Stanisław Turlej

JUSTINIANA PRIMA

AN UNDERESTIMATED ASPECT OF JUSTINIAN'S CHURCH POLICY

Jagiellonian University Press

JUSTINIANA PRIMA

JAGIELLONIAN STUDIES IN HISTORY

Editor in chief
Jan Jacek Bruski

Vol. 7

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AN UNDERESTIMATED ASPECT OF JUSTINIAN'S CHURCH POLICY

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Jagiellonian University Press

SERIES COVER DESIGN
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COVER DESIGN
Agnieszka Winciorek
Front cover: Solidus of Emperor Justinian, The National Museum in Krakow, No. MNK VII-A-5926

Academic project funded by the Minister of Science and Higher Education of the Republic of Poland within the National Programme for the Development of the Humanities (2014–2016)

NARODOWY PROGRAM
ROZWOJU HUMANISTYKI

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First Edition, Kraków 2016
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doi:10.4467/K9556.13/e/16.16.5344
ISBN 978-83-233-9556-0 (e-book)
ISSN 2299-758X

www.wuj.pl

Jagiellonian University Press
Editorial Offices: Michałowskiego 9/2, 31-126 Krakow
Phone: +48 12 663 23 80, +48 12 663 23 82, Fax: +48 12 663 23 83
Distribution: Phone: +48 12 631 01 97, Fax: +48 12 631 01 98
Cell Phone: + 48 506 006 674, e-mail: sprzedaz@wuj.pl
Bank: PEKAO SA, IBAN PL 80 1240 4722 1111 0000 4856 3325

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Abbreviations

ACO	*Acta Conciliorum Oecumenicorum*, ed. E. Schwartz, Berolini 1927
ANRW	*Aufstieg und Niedergang der Römischen Welt. Geschichte und Kultur Roms im Spiegel der Neueren Forschung* II, Berlin–New York 1972
AT	*Antiquité Tardive*
CAH	*Cambridge Ancient History*
CFHB	*Corpus Fontium Historiae Byzantinae*
CIC	*Corpus Iuris Civilis*
Coll. Avell.	*Collectio Avellana* = O. Guenther, *Epistulae imperatorum pontificum aliorum*, Vindobonae 1895–1898
CTh.	*Codex Theodosianus*
BSl	*Byzantinoslavica*
Byz	*Byzantion*
BZ	*Byzantinische Zeitschrift*
CSCO SS	*Corpus Scriptorum Christianorum Orientalium, Scriptores Syri*
DACL	*Dictionnaire d'archéologie chrétienne et de liturgie*
DHGE	*Dictionnaire d'histoire et géographie ecclésiastique*
DNP	*Der Neue Pauly*, eds. H. Cancik, H. Schneider, Stuttgart 1996–2003
Dölger, *Regesten*	F. Dölger, *Regesten der Kaiserurkunden des Oströmischen Reiches von 565–1453*, 1. Teil, München–Berlin 1924
DOP	*Dumbarton Oaks Paper*
DThC	*Dictionnaire de Théologie Catholique*
EK	*Encyklopedia katolicka*, Lublin 1974
GCS	*Die Griechischen Christlichen Schriftsteller*
Grumel, *Regestes*	V. Grumel, *Les regestes des actes du patriarcat de Constantinople, Les Actes des Patriarches*, Kodiköy–Istanbul 1932
Hortus	*Hortus Historiae. Księga pamiątkowa ku czci profesora Józefa Wolskiego w setną rocznicę urodzin*, red. E. Dąbrowa, M. Dzielska, M. Salamon, S. Sprawski, Kraków 2010
Jaffé	*Regesta Pontificum Romanorum*, ed. Ph. Jaffé, Lipsiae 1885
JÖB	*Jahrbuch der Österreichischen Byzantinistik*
JHS	*Journal of Hellenic Studies*
JRS	*Journal of Roman Studies*

Keszthely	*Keszthely – Fenékpuszta im Kontext spätantiker Kontinuitätsforschung zwischen Noricum und Moesia*, ed. O. Heinrich-Tamáska, Budapest–Leipzig–Keszthely–Rahden/Westf. 2011
Das Konzil	*Das Konzil von Chalkedon*, Bd. 2, Hrsg. A. Grillmeier, H. Bacht, Würzburg 1953
LdM	*Lexicon des Mittelalters*, Stuttgart 1999
LP	*Liber Pontificalis*
LThK	*Lexikon für Theologie und Kirche*
Mansi	*Sacrorum conciliorum nova et amplissima collectio*, ed. J.D. Mansi, Florentiae 1759
MEFR	*Mélanges de l'École française de Rome*
MGH AA	*Monumenta Germaniae Historica. Auctores Antiquissimi*
MGH Epp.	*Monumenta Germaniae Historica. Epistolarvm*
Le Monde	*Le Monde Byzantin*, t. I: *L'Empire Romain d'Orient 330–641*, sous la direction de C. Morrison, Paris 2004
ODB	*The Oxford Dictionary of Byzantium*, ed. A. Kazhdan, Oxford 1991
PL	*Patrologiae cursus completus. Series latina*, ed. J.-P. Migne, Paris 1844–1880
PLRE I	*The Prosopography of the Later Roman Empire*, eds. A.H.M. Jones, J.R. Martindale, J. Morris, vol. I, Cambridge 1971
PLRE II	*The Prosopography of the Later Roman Empire*, vol. II, ed. R. Martindale, Cambridge 1980
PLRE III a–b	*The Prosopography of the Later Roman Empire*, vol. III, a–b, ed. R. Martindale, Cambridge 1992
PS	*Publizistische Sammlungen zum Acacianischen Schisma*, ed. E. Schwartz, München 1934
RAC	*Reallexikon für Antike und Christentum*, Stuttgart 1950
RbK	*Reallexikon zur Byzantinischen Kunst*, Stuttgart 1963
RE	*Paulys Realencyclopädie der classischen Altertumswissenschaft*, Stuttgart 1894–1980
Regesten	*Regesten der Kaiserurkunden des Oströmischen Reiches von 476 bis 565*, bearbeitet von T.C. Lounghis, B. Blysidu, St. Lampakes, Nicosia 2005
RGA	*Reallexikon der Germanischen Altertumskunde*
SSS	*Słownik Starożytności Słowiańskich*
TIB	*Tabula Imperii Byzantini*
T&U	*Texte und Utersuchungen zur Geschichte der altchristlichen Literatur*
Villes	*Villes et peuplement dans l'Illyricum Protobyzantin, Actes du colloque organisé par l'École française de Rome (Rome, 1214 mai 1982)*, Rome 1984
VV	*Vizantijskij Vremennik*
ZRVI	*Zbornik Radova Vizantološkog Instituta*

Introduction

Justinian I (527–565) is one of the best-known rulers of Byzantium and without much doubt, one of the most outstanding Roman and Byzantine emperors ever. This is mainly due to his achievements. Military successes, the likes of which had not been seen for centuries, enabled the Empire to recapture its domains in Africa, Italy, and southern Spain. The number, size, and beauty of the buildings erected by Justinian filled his contemporaries with awe; many of them have survived to our times. The Emperor secured a permanent place in history for himself as a great legislator, even though religious matters were decisively closer to his heart. It should be emphasised that even if the laws he introduced were not always positively evaluated, the very fact that on his initiative the work on the *Code* was started contributed to the survival of numerous unique sources from the earlier period. On the other hand, the ruler's excessive and authoritarian involvement in ecclesiastical matters caused many serious internal problems, ranging from the revolt of the Samaritans, driven to the limit, to the desperate escape of pagan philosophers to Persia. Using state power to solve theological disputes which divided contemporary Christians also led to a ruthless persecution of opponents of the beliefs shared by the ruler and to bending the Church to his will.[1]

We have to resign ourselves to the fact that it is very difficult to arrive at an unambiguous evaluation of the ruler's reign as a result of a great number of various events occurring during this period and Justinian's broad,

[1] Main sources for Justinian's biography: Iustinianus 7: *PLRE II*: 645–648. An overview of older studies on the origin and family of the ruler: Vasiliev 1950: 48 ff. A characteristics of Justinian's reign according to the principles corresponding to the main spheres of his activity: Hunger 1965: 341–343; Cameron 2000a: 65 ff. A plethora of literature means that organising the material is important, since it enables us to establish the state of the discussion and the main findings with more precision. Evaluations of the Emperor by his contemporaries and the posterity in the light of the sources were collected in several publications: Irmscher 1976: 131 ff.; Prinzing 1986: 1 ff. A number of biographies have been written about Justinian, from the work of Browning (1971), which is described as classic, to the very comprehensive one by Tate (2004).

multidimensional activity. An idealised image of a great emperor, conqueror and legislator, should not automatically be replaced with an image of a bloody persecutor of his religious opponents, who oppressed the majority of his subjects with high taxes.[2] It is worth remembering that it was not insignificant (for the evaluation of both the entirety of Justinian's reign and of individual spheres of his activity) that he ruled for a very long time, and that a relatively large number of various sources from this period have survived.

Undoubtedly, the last few decades have seen a considerable progress in the studies on Justinian's times, which, however, cannot eclipse the need to further intensify such research.[3] At present, it is of fundamental importance to conduct a more in-depth analysis of all the important problems which were decisive for the ultimate balance of the ruler's reign; this can be achieved by basing such an analysis directly on a comprehensive interpretation of the written sources and historical context.[4] The pressing need for this is clearly exemplified by previous findings about Justiniana Prima, the town built on Justinian's orders to honour the place of his birth.[5] The circumstances surrounding the establishment of this centre, as well as its significance, are evaluated not on the basis of the results of analysing the sources but on the basis of pieces of information taken out of context and interpreted against the background of all the ruler's achievements. As a result, an artificial image of Justiniana Prima has been created in scholarship, which reflects the notion of what a city established by the great Emperor, famous for so many magnificent buildings, was supposed to look like. Such an approach means that it has been almost completely forgotten that the historical role of this centre was decided by the fact that

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[2] Any evaluations of Justinian's activities surely should not refer to comparisons which include mentions of e.g. Stalin: Honoré 1978: 26. Such a harsh appraisal of the ruler, mentioned in the context of the studies on the works of Procopius of Caesarea, may distort the results of the studies on the historical context and influence the opinion about this historian: Cameron 1986: 55.

[3] There is a visible progress in the studies on this period, which enables us to make considerably more comprehensive evaluations of the situation at the time. The entire material concerning Justinian's reign, in a broad context, was collected by Rubin 1960; Rubin 1995. This analysis was the starting point for the work of Meier 2003. The state of the studies was summed up, so to say, in the collective work The Cambridge Companion to the Age of Justynian (2005). Remarks on overestimating the role of Procopius' works in assessing Justinian's reign: Scott 2006: 29 ff. Attempts at a more critical approach to Justinian's early career: Croke 2007: 13 ff. An overview of the most recent literature: Leppin 2007: 659 ff.

[4] Particularly an evaluation of the manner in which the war in Italy was conducted and an explanation of its very late ending, as well as the situation of the Balkan provinces due to the building activities and the danger posed by the Slavs. I analyse this elsewhere.

[5] Polish literature: Molè 1962: 20 ff.; Swoboda 1970: 349–350; Swoboda 1989: 96 fn. 76; Krasucka, Sakowicz 1997: 559; Grotowski 2006: 176 fn. 306.

it was granted unique ecclesiastical rights; the independent Archbishopric of Justiniana Prima was created by the Emperor's will. Whether this place was worthy of being named after the great Emperor for any other reasons is something that we cannot establish with certainty, since so far we have been unable to find its definitive location.

The first piece of information about Justiniana Prima recorded in the sources comes from 535, when Emperor Justinian granted the local Church the status of an archbishopric with its own province.[6] This was unprecedented; no ruler before him had used state law to introduce such far-reaching changes in the ecclesiastical organisation. How unusual and momentous Justinian's act was can best be illustrated by Constantinople's long way to a high position in the hierarchy of bishoprics. When that city received the same legal status as Rome, it still remained a regular bishopric from the point of view of order in the ecclesiastical administration.[7] As a result of a decision made during the Ecumenical Council of Constantinople in 381, the Bishop of Constantinople was given a higher position, but only in terms of honours.[8] During the Council of Chalcedon in 451, canon XXVIII granted the Bishops of Constantinople the same legal privileges as the Bishops of Rome and the second place in the ecclesiastical hierarchy. At the same time, an ecclesiastical province subject to the Bishop of Constantinople was established, giving him the jurisdiction over the previously (at least theoretically) independent Churches of Pontus, Asia, and Thrace, which ultimately led to the development of a patriarchate there.[9] It was only as a result of decisions made during the Council of Chalcedon that Constantinople's position in the structure of the ecclesiastical administration reflected the significance of this centre in the political sphere and imperial administration. It should be emphasised that the bishops of such an important city, which was the ruler's place of residence, waited for a very long time to have

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6 Generally about Emperor Justinian's novels: Chapter II. A very preliminary summary concerning mentions about Justiniana Prima: Brzóstkowska, Swoboda 1989: 99–100, 103.

7 The increased significance of Constantinople stemmed from the fact that rulers resided there permanently, the position of the city's senate grew in strength, and the city gained its own prefect, which took place in 359–361 – see Mango 1997a: 76; Feissel 2004a: 85–86; Flusin 2004: 127 ff. A comprehensive overview of issues connected with the establishment of Constantinople and its role in the ideological sphere: Salamon 1975: 46–54. See Chapter V.

8 Canon III of the Council of Constantinople gave the local Bishop the right to honorary primacy after the Bishop of Rome. As a justification, it was said that the city was New Rome: Documents 2001: 65 ff., 72.

9 A discussion about the significance of canon XXVIII: Przekop 1987: 15; Wipszycka 1994: 242 ff.; Starowieyski 1994: 74.

their position in the Church formally sanctioned; importantly, it happened as a result of council resolutions rather than imperial decisions.[10]

The new order in the ecclesiastical organisation, giving the Archbishops of Justiniana Prima considerable privileges, was introduced by Justinian in Novel XI, whose text has survived to our times. Officially, the Emperor announced in the document[11] that he wanted to honour his fatherland, as he called Justiniana Prima, with high ecclesiastical prerogatives. All the phrases referring to the power of the local archbishop clearly show that the Emperor's intention was to grant him full autonomy so that he would not be under the jurisdiction of any other bishop.[12] An ecclesiastical province including the northern part of Illyricum Orientale (corresponding to the civil diocese of Dacia with small fragments of Pannonia and Macedonia) was created for Justiniana Prima. These were areas which had long been, scholarship believes, subjects of dispute and rivalry for influence between the most important bishoprics: Rome and Constantinople. It should be emphasised that neither of the parties interested in controlling the Church of Illyricum Orientale started an open conflict which would require a definitive solution to this matter.

At the time of promoting the Church of Justiniana Prima, the Emperor did not include any information about the city itself in Novel XI; however, he devoted quite a lot of space to presenting the history of the Praetorian Prefecture of Illyricum and his plans regarding changes in the state administration. According to the Emperor, there functioned a principle in the past which said that the jurisdiction over the Church of Illyricum belonged to the bishop of the city in which the praetorian prefect resided. The leading role of the Bishops of Thessalonica stemmed from the fact that the prefect had moved to this city from Sirmium in Attila's times. In this context, Justinian announced that he thought it necessary to transfer the seat of the Praetorian Prefect of Illyricum to Justiniana Prima. The information about the ruler's intention to introduce changes in the state administration in Illyricum obscures the picture of the situation and the changes occurring in the sphere of ecclesiastical organisation in 535. While making such crucial decisions concerning broadly defined administrative matters, Justinian ordered for a new, separate bishopric to be established in Aquis, a city located in the province of Dacia Ripensis, and instructed the local bishop to fight heretics, the followers of Bonosus.[13]

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[10] The status of the Church of Constantinople was accepted by the papacy after the end of the Akakian Schism – Dvornik 1958: 136–137.

[11] The terms: novel, imperial law, constitution, document, or privilege are used in this book as synonymous in the part relating to Novel XI.

[12] A thorough analysis in Chapter II.

[13] Szymusiak 1976: 805.

Catellianus, the first known Bishop of Justiniana Prima, became the executor of the Emperor's decisions recorded in Novel XI.

It was only until 545 that the Archbishopric of Justiniana Prima enjoyed its high position in the administrative structures of the Catholic Church. Precisely on 18 March of that year, Justinian issued Novel CXXXI, which clarified a number of issues concerning ecclesiastical law in the Empire and which included decisions regarding the papacy's jurisdiction over the Church of the city which was to honour the Emperor's native country.[14] As the content of the constitution indicates, the Emperor made only small modifications of the borders of this archbishopric, which maintained its organisational autonomy within the Patriarchate of Rome. Revoking the independence of the Church of Justiniana Prima was a great blow to this centre, as it meant that it lost its exceptional position among just a handful of cities in the Empire which enjoyed such a high status in the ecclesiastical organisation. It is worth mentioning, however, that being subject to the papacy at least strengthened and established the significance of the archbishopric on the regional level as the most important religious centre of Illyricum.

In the constitution issued in 545, Justinian did not in any way comment on the role of this centre in the state administration. The content of both novels, XI and CXXXI, contributes little to the discussion about the city itself, apart from the fact that the Emperor called it his fatherland and that it was located in the province of Dacia Mediterranea.[15] The only description of Justiniana Prima as a city erected by Justinian in order to honour his place of birth was left by Procopius of Caesarea in Book IV of *De aedificiis*.[16] The work was written probably in the early 560s and unfortunately it does not contain any precise data about the city itself, nor any information which would enable us to determine its location and the chronology of construction works.[17] Describing the origin of Emperor Justinian, Procopius only mentions that he was born in the vicinity of the Bederiana fortress, in a place called Tauresion, and it was near the latter that Justiniana Prima was created by his order. The account lacks information about the location of Bederiana, whereas Justiniana Prima was supposedly a large, populous city, shown as the metropolis of the area and the seat of the Archbishop of Illyricum. After a thorough analysis, the credibility of this description of Justiniana Prima seems doubtful. Procopius returned to the topic of the humble beginnings, not of Justinian himself, but

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[14] Novel CXXXI – an analysis in Chapter II.

[15] An analysis of the problem: Honigmann 1939–1944: 142.

[16] An analysis in Chapter III.

[17] Key findings concerning the dating of *De aedificiis*: Turlej 2010: 716 ff. See Chapter III.

of his uncle Emperor Justin, in a brief description included in the work known as the *Anekdota*. According to this account, Justinian reportedly came from Illyricum, from the area around Bederiana.[18]

Relatively numerous mentions in the written sources confirm the fact of Justiniana Prima's actual existence and functioning from 535 to the early 7th century, mainly as a religious centre. Ascribing the city any role outside the ecclesiastical sphere, even in the most general way, requires a justification since it would be based solely on a mention about Justinian's intention to transfer the prefect's seat to his fatherland and on Procopius of Caesarea's account, according to which Justinian's native city was supposed to become the metropolis of the surrounding area. There is a lack of independent and reliable information in the sources that would confirm that Justiniana Prima played any role in the state administration or that Thessalonica lost its significance as the seat of the Praetorian Prefect of Illyricum, which leads us to doubt whether Justinian managed to realise his intention of moving this institution to the new city, which was so close to his heart and bore such an honourable name.

In the first years of the reign of Emperor Heraclius (610–641), as a result of the Avar and Slav invasions, the imperial reign collapsed in the Balkans and Justiniana Prima was probably abandoned. The city fell into ruin and faded into such oblivion that it is impossible today to determine its location with certainty. The tragic events which led to Justiniana Prima's physical destruction did not endanger the memory of the existence and position of its Church. When Byzantium fixed its border on the Danube again under Emperor Basil II, the ecclesiastical organisation from Late Antiquity was not restored. The Emperor limited himself to modifying the administrative structure of the Bulgarian Church. To this end, he created the Archbishopric of Ohrid and it was among the clergy from that province that an interest in the history of the region appeared, which served to strengthen the position of this peripheral centre and to emphasise its independence from Constantinople. In the 13th century, the Archbishops of Ohrid would invoke the memory of Justiniana Prima in their titles.[19] The fall of Byzantium meant that the prestigious aspects of remembering the existence of this religious centre lost their significance, whereas the interest in Justiniana Prima itself and in determining its location increased. The earliest and for centuries the most popular identification of Justiniana Prima was with Ohrid, and then with other cities, such as Kyustendil or Skopje. Nowadays, the prevailing opinion is that it was a city located on the spot of the present-day

[18] Procopius, *Anekdota* VI 2. Konarek 1998: 31; Brzóstkowska 1989: 79; Swoboda 1989: 97 fn. 83.

[19] Swoboda 1967: 452–454; Brzóstkowska, Swoboda 1997: 105–123. An analysis elsewhere.

Caričin Grad, 45 kilometres south of Niš in Serbia.[20] Although not even one inscription has been found whose content would enable us to treat the ruins of Caričin Grad as the remains of Justiniana Prima with any certainty, this has not impacted the spread of this identification, especially among the historians and archaeologists specialising in the region.

It seems fully justified to use the term 'phenomenon' with regard to Justiniana Prima, since it reflects the uniqueness of this place as well as the astonishing manner in which it is perceived and presented in scholarly works. Justiniana Prima's exceptional historical role was decided by the fact that it was given the highest ecclesiastical rights in an unprecedented manner and this had less, or nothing, to do with the creation of a new city as such. Over the centuries, in all corners of the Empire ruined cities were rebuilt and new ones were erected, which were then named after a current ruler or members of his family.[21] In the Balkan territories under the Roman rule, which were sparsely, if at all, urbanised, many successful attempts were made to found new cities, which then functioned for centuries, growing to a considerable size and fulfilling an important role in the state and ecclesiastical administrations. Therefore, in the case of Justiniana Prima there is nothing unusual in the fact that the city was built and named after the Emperor, especially considering that Justinian was particularly prolific with regard to building works and naming cities after himself. Many rulers before and after him took such steps, which is why all the data providing closer characteristics of the significance of the city outside the ecclesiastical sphere are so important. There is a very deep belief that Justiniana Prima, as a city created by Justinian's order in a place so important to him for personal reasons, was if not enormous then at least considerable in size. Only in theory are there no grounds to reject this theory, since everything regarding Justiniana Prima directly or indirectly in connection with the broadly defined matter of the Emperor's origin, after an in-depth analysis makes it impossible to prove that it was an important centre. It is difficult to find another example where the most prestigious scholarly works, in terms of publishing houses or authors' names, would include such imprecise, contradictory, and sometimes even misleading information as they do in the case of descriptions of Justiniana Prima.[22]

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[20] Caričin Grad (Tsaritchin Grad, Tsaritsin Grad or Tsarichin Grad), near the village of Štulac: Radford 1954: 15; Hoddinott 1963: 204; Jugoslawien 1983: 354–355; Leśny 1984: 567–568.

[21] Urban foundations of the Late Empire rulers: Jones 1964: 719; Demandt 1989: 400; Roques 2011: 16–22.

[22] How difficult it is to gain even basic knowledge and to form an opinion based on individual texts about Justiniana Prima or Caričin Grad can be clearly seen while reading the existing works: see Chapter I.

Usually, synthetic analyses devoted to Late Antiquity or the Early Byzantine period forget to even mention its existence, whereas detailed works from the fields of history and archaeology, monographs, or entries in specialist encyclopaedias show it in a manner which usually does not reflect its uniqueness.[23] A classic example of contradictory findings concerning Justiniana Prima is the location of the city or the position and prerogatives of the local bishop. Another problem is a lack of criticism and a complete acceptance of Procopius of Caesarea's account when attempting to create a description of Justiniana Prima, both the city itself and its role in the state administration. We should also mention creating non-existent events in the history of Justiniana Prima, for example in connection with overestimating the role of the papacy, which supposedly protested violently against the promotion of the Church of Justiniana Prima, or in connection with 'flattening' the depiction of the status of the archbishopric by showing it only in the light of the changes made in 545, without any reflection on their nature. Not only general, comprehensive works devoted to the city, which use all the available data, but also superficial interpretations of individual sources lead to creating artificial constructs concerning the history of Justiniana Prima, which distort the reality of that time.

Such diametrically opposed depictions of the significance of Justiniana Prima in the literature do not stem merely from a lack of a definitive solution to the mystery of the city's location, as it might seem at first glance, but mainly, as we have already mentioned, from inadequate interpretations of the main written sources about the city. This is the case, first of all, of the three accounts which constitute the foundation of almost all knowledge about Justiniana Prima: Justinian's Novel XI of 14 April 535, Chapter III of the Emperor's Novel CXXXI of 18 March 545, and a fragment of Book IV of Procopius of Caesarea's *De aedificiis*. We could try to rationalise the fact that they have not been properly used in the studies on the history of Justiniana Prima. Due to the extreme briefness and complex content of Novel XI, it is difficult to reconstruct the circumstances surrounding the promotion of the archbishopric and the changes made to the ecclesiastical organisation, as well as the actual motives behind Justinian's decision.[24] A lack of a solid basis for interpretation is a considerable obstacle to the analysis. How can we evaluate the changes made in Illyricum by Justinian when there is no agreement as to the basic facts about the legal status of its Church? Additionally, it is difficult to use the account included in Procopius' *De aedificiis* when there is no progress in comprehensive analyses of this work, not to mention studies on the other

[23] An analysis in Chapter I.

[24] A basic analysis of Novel XI: Turlej 2011; Turlej 2014.

works of the historian. Therefore it is so important, when using Procopius' information, to at least clearly and specifically define the starting point of one's own research against the background of the literature on the subject.

Certainly the most difficult thing to explain is why so far studies have shown no interest in finding the reason why the Archbishopric of Justiniana Prima was created and what motivated the Emperor. In the light of the surviving sources, it is an ironic twist that Justiniana Prima itself is shown as a large or at least significant city and an important centre of the state administration when this problem is far from cleared up, while its role in the ecclesiastical organisation is overlooked, even though the sources tell us considerably more on this subject. At present the discussion about the identification of Justiniana Prima with the ruins at Caričin Grad is considered to be almost resolved, and archaeological findings have relegated to the background, and sometimes even put in the shade, the need to conduct historical studies on the epoch and on Justinian's objectives behind not so much building the city but promoting it to a very high position in the organisational structures of the Catholic Church. The combined interpretations of historical and archaeological data based on accepting the identification of Justiniana Prima with the ruins at Caričin Grad play an essential role in the broadly defined studies on Justiniana Prima. Using out-of-context fragments of the sources without analysing them, let alone carrying out a more in-depth interpretation of the context, is not conducive to deepening the studies. It should be emphasised that there is no reason for not conducting independent historical studies, not only because so far not even one inscription has been found which would settle the identification of Justiniana Prima with the ruins at Caričin Grad. Progress in interpreting the written texts will make archaeologists' work easier and, additionally, will lay methodologically sound foundations for preparing a comprehensive reconstruction of the history of Justiniana Prima. Even if any inscriptions confirming this identification were to be found, it is rather unlikely that they would include such extensive and previously unknown information that it would completely eliminate the importance of the written sources for the reconstruction of the city's history. Until new discoveries are made, the written accounts known at present are all the more irreplaceable, and their interpretation is of fundamental importance also when it comes to confirming archaeological findings.

All the research issues connected with the history of Justiniana Prima and with the lasting memory of its existence clearly break down into three areas:

1. the history of this city in the 6th and early 7th centuries,
2. the appearance of references to the legal position of the Church of Justiniana Prima in connection with the Church of Bulgaria from the beginning of the 12th century until 1767,

3. the identification of Justiniana Prima's location.[25]

Although it is possible to tackle the above problems together or individually, considering the lack of a certain, i.e. universally accepted, location of the city, certainly the most important objective should be to establish, as precisely as possible, the significance of Justiniana Prima in the period when the city existed, since this would provide the only firm basis for any further conclusions.

The aim of this work is to draw attention to the need to intensify historical studies on Justiniana Prima, based on the analysis of the written sources. It may be difficult to believe, but to this day hardly any attention has been paid to this problem. Individual works are cited, isolated pieces of information contained there are referred to, directly or with a commentary, but a comprehensive examination based on literal interpretation and critical analysis has not been carried out. Since the message conveyed by the sources has not been established, the historical context has not been examined from this angle either. The backlog of historical studies is so large that it is difficult to catch up with the workload in just one book, since there is virtually no reference point for verifying the results of the conducted studies. The most urgent research postulate is, on the one hand, an analysis of the three sources which, as we have mentioned, are the foundation of almost all our knowledge about Justiniana Prima: Novel XI, Chapter III of Novel CXXXI, and a fragment of Book IV of Procopius of Caesarea's *De aedificiis*; and on the other hand, an independent description of the organisational subordination of the Church of Illyricum between the 4th and 6th century. As a result, it will be possible to get a fuller and more reliable reading of the message of both novels in the historical reality, while an analysis of the information provided by Procopius of Caesarea, combined with other available data, will allow us to reconstruct the history of Justiniana Prima as a city, which will provide an independent reference point for explaining the genesis of this centre.

It seems that the basis for reflections on the motives for granting and revoking the independence of the Church of Justiniana Prima should be, on the one hand, an appreciation of the historic significance of the decision to create the Archbishopric of Justiniana Prima in 535, and on the other hand, a comprehensive analysis of Justinian's ecclesiastical policy, at least in the period prior to the issue of Novel XI. Considering its later history, i.e. Justinian's concession and the city's subordination to the papacy, creating an

[25] A separate aspect related to the existence of the titular Bishopric of Justiniana Prima in the contemporary Catholic Church can also be included: Aubert 1995: 676; Krasucka, Sakowicz 1997: 559.

independent Church in the Emperor's native city was probably not an end in itself. It is a much more likely hypothesis that it was a forgotten element of Justinian's overall policy, aimed at finding grounds for introducing changes in the ecclesiastical organisation. Underestimating the significance of the ecclesiastical rank of Justiniana Prima in the studies conducted so far has been, in a sense, a result of the activities of the Emperor himself, who first lowered this rank. The phenomenon of Justiniana Prima as a religious centre can only be seen from a very broad perspective, including the entirety of Justinian's reign, all the spheres of public activity close to his heart, and the successes which ensured his outstanding position in history. An analysis of the history of the city in the light of the written sources fully confirms this.

Compiling and ordering the existing studies on this centre allows us, on the one hand, to show how important and needed it is to supplement the existing works with a historical interpretation, and on the other hand, to provide a background for presenting our own findings. The discussion of the literature covers the material only to an extent that is necessary for presenting an analysis of the written sources. Archaeological or purely legal issues, e.g. connected with determining the text of the sources, have not been included as they are not directly related to the aim of this work. A historical analysis of the sources devoted to Justiniana Prima will enrich our knowledge not only about the centre and Justinian's religious policy, but also about the broader context of the whole Empire. On the other hand, the information e.g. about the ecclesiastical organisation included in both novels can serve as a reference point for the interpretation of data from other sources. This is, in particular, the case of all the descriptions included in Book IV of Procopius of Caesarea's *De aedificiis* and of the administrative data concerning the Empire's European domains, recorded in Hierocles' *Synecdemus*.

This book consists of six chapters, an introduction, and a conclusion.

Chapter I is devoted to the discussion of the most important works on Justiniana Prima. The reading of the main works about this centre makes it clearly visible that the most urgent research objective is to compile, order, and supplement the existing studies on Justiniana Prima with a comprehensive historical analysis of the main sources.

Chapter II contains an analysis of the two novels, XI and CXXXI. A comprehensive analysis of the two imperial constitutions, consisting in a critical examination and literal analysis, is of fundamental importance to the studies. So far, in their interpretations of Novel XI scholars have missed the opportunity to refer to broadly understood legal conditions and to the possibility of characterising it as an official document. The aim is to deepen the analysis from this angle as much as possible, without referring to other accounts more

than it is absolutely necessary. The subsequent changes should not make us blind to the fact that the law was in effect for ten years and there is no reason not to interpret it with due diligence, just as Justinian's other constitutions. Novel XI is the reference point for analysing the provisions on Justiniana Prima in Novel CXXXI. It is precisely because the rank of the Church was lowered in 545 that studies pay almost no attention to the significance of the changes introduced by Novel XI. Only such an analysis will allow us to go on to examin the results in the historical context.

The entire Chapter III is devoted to an analysis of Procopius of Caesarea's account of Justiniana Prima in *De aedificiis*. A historical interpretation of this account is just as needed as an analysis of the legal sources. Procopius' description of this centre is general and difficult to interpret enough to warrant the inclusion of the entire work as a background for establishing the status of the city in the administration. However, even the most thorough studies of Procopius' account and references to the content of Novel XI are probably insufficient to convincingly confirm the image of this city as a great and significant centre of urban life, which has functioned from almost the beginning of Justiniana Prima's existence. Therefore, the analysis is rounded up with a hypothetical reconstruction of the genesis of the city based on some other works written soon after these events.

Chapter IV contains an analysis of the data from Novel XI concerning the city of Aquis in Dacia Ripensis. On the basis of broadly defined studies on changes in the ecclesiastical organisation related to the establishment of Justiniana Prima, it is possible to systematise the data from the sources concerning the history of Aquis in Justinian's times, but a comprehensive analysis and evaluation of the reliability of these data requires consulting not only data from other sources, mainly Procopius' *De aedificiis*, but also the findings of the critical analysis of this work. This is of essential importance from the viewpoint of reconstructing the Empire's policies in the territories on the Danube from the mid-5th to the mid-6th century. It also enables us to verify the credibility of the main sources on the historical geography of Byzantium in Late Antiquity.

Chapter V is devoted to the history of the Church of Illyricum from the 4th to the 6th century, and a reconstruction of the historical circumstances in which the Archbishopric of Justiniana Prima was created. On the one hand, a reconstruction of the situation of the Church of Illyricum in Late Antiquity provides an independent context for verifying the results of the analysis of Novel XI, and on the other hand it allows us to understand its peculiar character related to the jurisdictional subordination to the papacy. Taking political conditions into consideration reveals the instrumental role of the imperial constitutions which gave the supremacy over the Church of Illyricum to the Bishops of

Constantinople, who could not really compete against the popes' reign in the region, similarly to the Bishops of Thessalonica. Independently of the analysis of Novel XI, the reconstruction of the situation of the Church in this region shows the actual role of the Bishops of Thessalonica in the early 6th century.

So far, despite the existence of information from the sources showing the unprecedented character of the promotion and the exceptional legal status of the Church of Justiniana Prima, there have not been made any attempts at specifying the role of this centre in Justinian's policy or explaining his goals behind such a thorough transformation of the ecclesiastical organisation. What is relevant are not only the events directly preceding the issuing of this law concerning the ecclesiastical policy, but also the reconstruction of the general situation to an extent which would make it possible to connect it with the change the Emperor made to the ecclesiastical organisation. The papacy was controlled by kings of the Ostrogoths and any act of the Emperor against the jurisdiction of the Bishops of Rome could have acquired a political dimension.

Chapter VI contains a summary of the history of Justiniana Prima after 535. Independent sources confirm that an autonomous archbishopric was established and that the papacy was helpless against this decision of the Emperor. The circumstances of lowering the legal status of this Church in 545 are much more mysterious. Since it is difficult to determine to what extent the Emperor's decision was influenced by personal, broadly defined religious, or political reasons, further studies should focus on analysing this problem. After so many years and with Justinian's position with regard to the papacy strengthened after the conquest of Italy, it might seem that the existence of an independent archbishopric in Illyricum, in a city so important to the Emperor for personal reasons, was unthreatened. However, the Church of Justiniana Prima became subject to the Bishops of Rome, which came about in an unprecedented manner, through an imperial constitution. In the context of the reflections on the change of the Church's legal status, the most intriguing aspect is a lack of information about the city itself and lack of interest shown by the contemporaries. Until the end of its existence in the early 7th century, the Church of Justiniana Prima is well attested in the sources as an important centre of ecclesiastical administration in Illyricum.

The conclusion contains a brief recapitulation of the most important findings which emerged as a result of the conducted analysis of the sources.

I would like to kindly thank everybody whose assistance and patience contributed to the writing of this book.

Chapter I: The main literature on Justiniana Prima

Although Justiniana Prima was destroyed and forgotten as a city, the memory of its Church's tremendous importance endured in the tradition and titulature of the Archbishops of Ohrid, playing a significant prestigious role.[1] Establishing the location of this centre became a subject of keen interest only in the early 1530s, when Procopius' work *De aedificiis* was popularised as a result of printed editions being published.[2] Issues related not directly to Justiniana Prima but more generally to the native country of Emperors Justin and Justinian were also included in discussions on problems concerning their origins.[3] Modern academic research devoted either directly or indirectly to Justiniana Prima only sporadically refers to the older literature, mainly to the 18th-century works about the history of the Church in Illyricum.[4] In discussions about the origin and history of this centre, the actual point of reference is usually the research from the end of the 19th century and beginning of the 20th century. Its present value is mainly due to the fact that it attempted to interpret issues practically unresolved until today and that it has a good opinion. The older literature should also sometimes be used in order to correctly understand theories which appeared in later works. This concerns not only surprising statements

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1 Prinzing 1978: 268 f.

2 In 1531, *De aedificiis* was published in print; more in: Procopii Caesariensis 1964: VIII f. (Haury, Wirth edition); Mano-Zissi 1972: 688; Kondić, Popović 1977: 163; Grotowski 2006: 72 ff.

3 After Procopius of Caesarea's *Anekdota* was published in 1623, and with it Justinian's life indicating his allegedly Slavonic origin, which led to an increased interest in his fatherland, this account was regarded as reliable almost until the end of the 19th century. The origins of Emperors Justin and Justinian have been analysed: Vulić 1934: 400 ff.; Radojčić 1940: 17 ff.; Vasiliev 1950: 43 ff. These works continue to be valuable from the point of view of historiography, except for the information about the rulers' ethnic background and, to a large extent, the depiction of Justiniana Prima.

4 Le Quien 1740: 281; Farlatti, Coleti 1800: 158 ff. Honigmann 1939–1944: 147 ff. drew attention to using the text of the sources indirectly through old publications.

suggesting the existence of unknown sources or descriptions of events that supposedly took place in the history of Justiniana Prima,[5] but most importantly misunderstandings which stem from a lack of historical analysis of the main accounts without which it is impossible to understand the historical role of this centre. As a result of this approach an artificial and distorted picture of the city and its significance was created and has been functioning since. If works do not contain any footnotes or precise references, then without a thorough analysis of the sources and literature it is difficult to get a grasp on the actual state of the research, and no names of outstanding historians guarantee that the information is reliable.[6] In such situations the shortage of historiographical works on collecting and analysing studies about Justiniana Prima is particularly conspicuous.[7] If they existed, such works would perhaps allow us to leave behind very old and, more importantly, outdated or erroneous beliefs.

The studies of K.E. Zachariae von Lingenthal and A. Evans were held in high esteem. In his history of the Bulgarian Church from its beginnings to the abolition of the Patriarchate of Ohrid in 1767, the prominent lawyer K.E. Zachariae von Lingenthal devoted quite a lot of attention to the earlier period.[8] His goal was not to present a history of the development of the Church organisation on these territories from Late Antiquity onward, but to show a fundamental problem, namely, how difficult it was to determine the legal status and subordination of the Church in Illyricum in the light of the surviving sources.[9] At the beginning of his analysis he clearly set apart a fragment about

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5 Unfortunate interpretations can be cited as an example; e.g. Zlatarski 1929–1930: 486; Frazee 1994: 45 ff.

6 A serious problem concerning the reliability of the findings appears when extensive reconstructions are made of the situation in Illyricum during entire Late Antiquity, often without an analysis of the sources, on the basis of the old literature about the Church organisation and the role of the most important centres – not only Justiniana Prima but also Sirmium, Thessalonica, Serdica, etc. – combining a historical and archaeological interpretation. Individual mentions are treated instrumentally and artificial reconstructions are created. This is the case of e.g. Popović 1975: 102 ff.

7 Studies which attempt to compile and review the literature, especially from several points of view, i.e. the history of the city, the Church, or the tradition, are very useful; e.g. Barišić 1963: 127 ff. An overview of some of the literature on the history of Aquis: Honigmann 1939–1944: 147 ff. Other studies refer to the earlier research only to a certain extent: Barišić 1955: 55 fn. 118; Döpmann 1987: 222.

8 Karl Eduard Zachariae von Lingenthal lived in 1812–1898; already during his lifetime he was greatly respected as a lawyer and an expert on Byzantine law: Fischer 1898: 653–657.

9 This is probably how the author's intention should be read from the content and the division of the material into chapters in the work. The reflections on the Early Middle Ages end with a mention of the barbaric invasions on the Empire's dominions and a reference to the text of a Church note confirming the transfer of jurisdiction over the Church of Illyricum to the

the situation in Illyricum until 535, which was not accidental, since he used the passage on the prefecture from Novel XI (8–13) as a starting point for his reflections.[10] The appreciation of the importance of this law as a turning point in the history of the Church in Illyricum followed from understanding its objective, which was to grant full independence to the Archbishopric of Justiniana Prima by the Emperor.[11] Zachariae is much less clear when it comes to the changes Novel CXXXI introduced in the legal status of the Archbishopric and on the issue of its loss of independence as a result of being subordinated to the papacy.[12] Unfortunately, Zachariae was not interested in the historical analysis of the circumstances in which Novel XI was published. He limited himself to a statement that after regaining control over the territories adjacent to the Danube Justinian built a grand city in order to honour his birthplace and made it the seat of the Praetorian Prefect of Illyricum and Archbishop.[13] The appreciation of the significance of Novel XI, in turn, increased the author's interest in Justiniana Prima itself. Zachariae rejected the identification of this centre with Ohrid, believing it more probable that the city was located in the vicinity of Kyustendil.[14] For his part, he attempted to propose an additional argument for such a location of the native country of Emperor Justinian.[15]

Archbishops of Constantinople. The work also contains the tradition of Justiniana Prima in the Church of Bulgaria: Zachariae 1865: 26 ff.

10 Zachariae 1865: 1–5. The general reflections on the beginnings of the Church organisation in the light of the canons are outdated.

11 Zachariae 1865: 2, 5, 7. The work does not contain a classical analysis of Novel XI, but it includes reflections on the imperial laws concerning Illyricum and on the scope of the jurisdiction of the Bishops of Constantinople from the Council of Chalcedon.

12 Zachariae (1865: 7–8) seems to hold a position which underestimates the importance of the changes introduced by Novel CXXXI. What is disappointing is that he bases his analysis on Julian's translation of this law from his *Epitome*, saying that the Archbishop of Justiniana Prima had in his province the same prerogatives as the Pope with regard to his subordinate bishops (Zachariae 1865: 8 fn. 1), which meant maintaining his independence. What is also an evident shortcoming in this context is that Zachariae did not reflect on or address the actions of Pope Gregory the Great with regard to the Archbishopric of Justiniana Prima, showing the jurisdictional powers of Rome. There is nothing to indicate that the local Church maintained its independence after 545.

13 The analysis of the historical circumstances in which the Archbishopric of Justiniana Prima as a whole was established is very general and cannot be accepted: Zachariae 1865: 5. However, it should be emphasised that specific comments on the significance of certain fragments of the Novel have remained valuable.

14 Zachariae 1865: 5–7. The popularity of the identification of Justiniana Prima with Kyustendil can also be attributed to Gibbon – 1851: 50 (Giustendil).

15 Zachariae (1865: 7 fn. 1) suggests the toponym 'Wederin,' which occurs on the way from Philippopolis to Sophia, and which resembles the name of the fortress of Bederiana, in the vicinity of which Justinian was supposedly born, as an indication of the location of Justiniana Prima.

The work of A. Evans[16] can be considered the beginning of an academic discussion in the modern sense of the word, aimed at finding the location of Justiniana Prima. In the early 1880s, taking advantage of the good will of the Turkish authorities, he conducted a thorough topographic study of the area of the present-day Skopje, which was officially called Üsküp at the time.[17] This was extraordinary because it created an opportunity to verify previous findings and to confront information from written sources with traces of material culture and with observing the topographic conditions.[18] At the time, the Austrian scholar W. Tomaschek, a renowned historian of the territories on the Danube, voiced his opinion about the location of Justiniana Prima, using previously unknown information recorded by the historian John of Antioch, after fragments of his work were published by Mommsen.[19] Tomaschek thought that the account of John of Antioch was completely reliable and the birthplace of Justinian was located in the vicinity of Niš.[20] Evans, in turn, was impressed by the perfect natural conditions favourable for settlement in the Vardar Valley near Skopje. The significance of this area was also due to its location on a very important communication route from Niš to Thessalonica and to its profitable connections with the West towards the coast of the Adriatic Sea and via Pautalia to Serdica. Skopje appears in the sources from the 3rd century BC onward as the capital of the Dardani and has functioned as a city until the present day.[21] Under the Roman rule, in a spot which was the most advantageous from the viewpoint of communication routes, on the left bank of the Vardar, at the mouth of the Lepenac, the city of Scupi continued to grow, achieving the status of a colony in the times of Domitian, and after the administrative reform in Diocletian's times it became the capital of the province of Dardania.[22] In 518, an earthquake destroyed Scupi, which was quite a large centre considering the local conditions, with a built-up

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16 In the scholarly literature, usually the original edition is cited: Evans 1885: 79–167. In this work, the quotations are taken from a republication, which was a fragment of a larger collection of Evans' work from 2006 (Evans 2006: 183–253).

17 In the older literature, the name itself can appear as Justinian's birthplace; e.g. Diehl 1901: 5; Alivisatos 1973: 1; Schubart 1943: 33.

18 The topic of ancient Scupi held interest at the time: Tomaschek 1882: 437–499.

19 Mommsen 1872: 339.

20 Tomaschek 1874: 658–659. He considered the area located 50 km south-west of Niš – the Valley of Toplica, perhaps the area of Kuršumlja. In another work (Tomaschek 1882: 444–445) he also suggested Prekoplje as a possible location.

21 Maps and plans in various publications make it easier to get a grasp of the area of Skopje: Swoboda 1975: 230–231; Mikulčić 1971: 463–484; Mikulčić 2002: 182–186, 190–195 (monuments from the Skopje region: 143–197).

22 Mócsy 1970: 62 f.; Mikulčić 2002: 184 ff. – no. 55 Skopje (Scupi) Zlokucani.

area of up to 40 ha.[23] According to Evans, Emperor Justinian built a new city for the population that survived the disaster, to honour his birthplace, and called it Justiniana Prima.[24] The name Scupi does not appear in sources from Late Antiquity and this served as an argument to support the thesis that the rebuilt city was given a new, honorific name. Such a hypothesis was possible to formulate by referring to the account of Procopius of Caesarea, who wrote about Justiniana Prima's supposed location in Dardania and characterised the city as the local metropolis. Dardania as the location of Justiniana Prima was also supposedly indicated by the close resemblance of the city's name to Justiniana Secunda, which was named by the Emperor and definitely located in the province of Dardania.[25] South of Skopje, Evans found two towns, Taor and Bader, whose names seemed to resemble the names of the centres mentioned by Procopius in his description of the birthplace of Emperor Justnian, who was reportedly born in the area of Tauresium near Bederiana.[26] The existence of Taor and Bader was treated by Evans as a seemingly non-accidental similarity to Procopius' description, providing another indirect argument for the location of the Emperor's birthplace in Dardania.

It seems that the hypothesis about accepting Justiniana Prima as a continuation of the rebuilt Scupi was formulated by Evans in good faith, as he was fully aware of the difficulties in proving the chosen location of Justinian's birthplace.[27] The argumentation based on topographic observations follows rational reasoning: Skopje had an excellent location near important strategic and trade routes; the area had been populated for centuries; and the impressive fortifications of the local acropolis on the Kale hill[28] dating back to the Early Middle Ages also seemed to correspond with Procopius' monumental

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[23] Dintchev 1999: 43.

[24] Information recorded by Marcellinus Comes ad a. 518; Evans 2006: 190, 234.

[25] Evans 2006: 238.

[26] Evans 2006: 242. The entire discussion about the two towns in the context of Emperor Justinian's birthplace is reviewed by Vasiliev 1952: 56–59. The towns of Taor and Bader: Mikulčić 2002: 145–146 no. 17 (Bader), 187–189 no. 56 (Taor). Findings concerning both these towns have proved very persistent; Mazal (2001: 55) situates Justiniana Prima in Dardania, near the town of Taor, stating that its location has not been determined yet. Croke (2007: 19) identifies Bederiana with Badar in the vicinity of Skopje.

[27] Evans 2006: 237. Establishing which city it was, if not Skopje, best reflects the dilemma which has long faced researchers examining the history of Justiniana Prima, as Mannert 1885: 105 wrote. The role of the latter historian in initiating the identification of Justiniana Prima with Skopje was emphasised by Tomaschek 1899b: 184.

[28] There were Turkish war installations and garrison barracks on the hill. Evans was unable to see the area directly and had to reconcile himself to observation without conducting an inspection, let alone a search for archaeological traces. The military occupied this area until 1953, and in 1963 there was an earthquake which caused damage: Mikulčić 2002: 182.

description, according to which Justiniana Prima was a grand city.[29] We should, however, pay attention to the entirety of Evans' reasoning, which is based not only on *a priori* accepting Procopius' account as reliable, but, even more strangely, on accepting that Emperor Justinian himself gave untrue information about the location of Justiniana Prima in Dacia Mediterranea. This supposedly followed from the fact that Dacia may have been treated as part of Dardania on the one hand, and from the Emperor's desire to show off his illustrious Dacian origin on the other.[30] Evans did not analyse either Procopius' *De aedificiis* or Novel XI, but he presented an audacious argument to show that his idea about the status of Dacia was confirmed by sources from Late Antiquity. This is by far the weakest element of his entire argument for the identification of Justiniana Prima with Skopje.[31] The intention was to find the location of a city about which nothing was known, only on the basis of Procopius' account, whose historical credibility was unquestioned by historians, and on the basis of the general assumption about Justinian's capabilities as a builder, while completely neglecting an analysis of the historical context. Evans' authority as an outstanding archaeologist meant that historians started to treat the identification of Justiniana Prima with Skopje as obvious and used it as a basis for proposing further hypotheses.[32] Since the late 19th century, publications in which Justiniana Prima was identified with Ohrid appeared only sporadically.[33]

The establishment of the Archbishopric of Justiniana Prima led to considerable changes in the Church organisation of Illyricum Orientale and is therefore included in studies on the Church organisation in this region in Late Antiquity. We could risk a statement that it should have played an important

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[29] Since the towns of Bader and Taor are situated as far as 20 km south of Skopje, Evans' manner of interpreting Procopius' information about the location of Justiniana Prima becomes really incredibly general. However, Evans was not at all concerned with the admissibility of such an approach to research.

[30] Evans 2006: 239 f.; Honigmann 1939–1944: 143 interpreted the topic of the Dacian origin completely differently, as one that did not do the Emperor credit.

[31] The discussion about the location of Justiniana Prima was initiated by Vulić in a series of works, which did not contribute to progress in the research on the town's history, but became in fact a voice in the discussion about the Emperor's ethnic origin: Vulić 1934: 400 ff. An overview: Rubin 1960: 80 ff.

[32] Myres 1959: 240–243. Evans, Sir Arthur John lived in 1851–1941. The discovery of the Minoan civilisation brought him great fame and esteem. This indirectly contributed to a positive assessment of his other research.

[33] He consistently connects Justiniana Prima to Ohrid, using the ancient name of Lychnidos: Fluss 1927: 2115. Downey (1940: 225 fn. 3) identifies Justiniana Prima with Scupi, but Tauresion with Ohrid (op. cit., fn. 3). Sjuzjumov 1967: 155. Friedrich (1891: 776) in turn referred to Justiniana Prima as Locrida without any explanation.

role in the reconstruction of the changes in the Church organisation, but unfortunately it has never been the case, since neither the intrinsic significance of the changes introduced by Justinian in 535 nor the complicated situation in Illyricum have ever been appreciated. Usually, historians confine themselves to noting the Emperor's decision or to using out-of-context information about the establishment of the Archbishopric of Justiniana Prima. Studies on the history of the Church of Illyricum have not in any way increased the interest in the genesis and privileges of the bishop of the city named after Justinian. The authority of two outstanding historians, L. Duchesne and J. Zeiller, cemented in the scholarly literature a schematic, oversimplified, and – most importantly – completely erroneous image of the significance in the Church structure of the city which was supposed to honour the native country of Emperor Justinian. Duchesne's article from 1892, which is regarded as a classic study on the Church status of Illyricum until the 7th century, was in fact a response to contemporary publications;[34] in particular, to the work of J. Friedrich, who believed that in Late Antiquity the Church of Illyricum Orientale was governed by the Archbishops of Thessalonica and was independent of Rome.[35] He also questioned the credibility of the sources indicating that this area was under the jurisdiction of the papacy, mainly preserved in a collection called the *Collectio Thessalonicensis* or the *Codex ecclesiae Thessalonicensis*.[36] The importance of the information recorded in this collection is due to the fact that only one other source attests to the existence of the vicariate of Thessalonica until the mid-5th century.[37] In this situation, referring to Novel XI gave Friedrich an opportunity to find, as he believed, unquestionably credible proof of the independent position of the Bishop of Thessalonica in Illyricum.[38] This historian's theories, both with regard to the source-related findings and to those concerning the Church organisation, have not been immune to criticism, but

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[34] A favourable opinion about this publication of Duchesne: Völker 1928: 371; Honigmann 1939–1944: 142 fn. 2. Also Pietri 1984: 21 mentions Duchesne's general contribution to studies on the Church organisation of Illyricum.

[35] Friedrich 1891: 783.

[36] Friedrich 1891: 771 f. These arguments were disproved: Nostiz Rieneck 1897: 4 f., 43–50. An analysis in Chapter V.

[37] Letter XIV of Pope Leo (PL 54: 666–677). Rejecting the credibility of the entire collection, Friedrich 1891: 812 ff. also questioned its authenticity, developing a very extensive argument which referred to all his legal, historical, and philosophical reflections, and which was to prove that the letter was prepared on the basis of a later letter of Pope Hormisdas. This kind of hyper-critical approach led to the intensification of studies and a quick refutation of some of the arguments: Duchesne 1892: 540–541. Mainly Nostiz Rieneck 1897: 28–43.

[38] Friedrich 1891: 776, 795, 875 noted the importance of Novel XI but did not attempt to analyse it, merely citing the information contained in the document.

they have undoubtedly contributed to greatly intensifying the research efforts. The work can illustrate even today how easy it is to create very elaborate hypotheses using out-of-context information when certain points of reference are missing from the analysis.

Duchesne came out against Friedrich's findings and, to simplify a bit, he based his entire argumentation on references to late accounts that clearly pointed to the jurisdiction of the Bishops of Rome in the area. Using the method of retrospection, he argued that there is also sufficient documentary evidence from the earlier period confirming that, implicitly, from the late 370s onwards popes had jurisdiction over Illyricum.[39] Such a reconstruction was possible after a rather general analysis of the legal sources, whose significance could not be overlooked in the light of the most recent studies.[40] From this very broad perspective, Duchesne mentioned Novel XI and the establishment, on its basis, of the Archbishopric of Justiniana Prima, which he identified with Skopje, citing Evans' findings.[41] Therefore he concluded that Justiniana Prima took over the rank of the Church metropolis of Dardania from Scupi and became an archbishopric with its own province. Noting the independence of the Emperor's decision, which was not supported by any agreements or consultations with the Bishops of Rome or Constantinople, he never even considered a closer analysis of the ecclesiastical prerogatives that Justinian gave the Archbishops of his native town. Duchesne's attitude to the changes brought about by Novel XI is perhaps best reflected in the phrase *l'affaire de Justiniane Prime*, which ultimately ended well for Rome as a result of the provisions in Novel CXXXI. The papacy confirmed its supremacy over Illyricum Orientale, and the only trace of the changes introduced by Justinian was the diminished importance of Thessalonica, which lost control of the northern part of the region. While Duchesne did not even attempt to address the topic of the motives which made Justinian implement such deep changes in the Church organisation, he did note the complicated political situation at the time when the Archbishopric of Justiniana Prima was established, connected with the papacy's subordination to the Ostrogoths and Pope Agapetus' restrained response to the Emperor's actions.[42] For Duchesne, the 'affair' of Justiniana

[39] Duchesne 1892: 531–535, 539, 541–544, 548–549.

[40] Duchesne 1892: 535–537, 541–542. Later, the article was supplemented with a 'Note' containing further remarks on Mommsen's publication (Duchesne 1905: 275–279).

[41] A rejection of the old identification with Ohrid: Duchesne 1892: 535 fn. 3, 548.

[42] He also voiced his opinion on: the change of the borders of the Archbishopric of Justiniana Prima in 545 in connection with the attachment of, as he believed, the province of Macedonia Secunda to Dardania; the alleged residence of the prefect of Illyricum in Sirmium, and his move to Thessalonica. These findings are practically his only contribution to studies

Prima had no great significance for the studies on the entire subject matter of the principles governing the Church in Illyricum, since he focused on the consequences of Novel XI in the Church organisation, and he did not treat it as an important account which could make reinterpreting other sources possible.[43]

J. Zeiller, an outstanding expert on the growth of Christianity in the Balkans in Late Antiquity, discussed the entire subject matter related to the functioning of the Church of Justiniana Prima until the early 7th century in his great work on the development of the Church organisation in the territories on the Danube.[44] His starting point for characterising this centre was its identification with Skopje; he referred to Evans as an outstanding English archaeologist.[45] Justiniana Prima was, therefore, supposedly the metropolis of Dardania and an archbishopric with its own province in an area under the jurisdiction of the Pope. The combined interpretation of all the sources was by nature very general and did not really contribute anything new, since it followed the spirit of Duchesne's reflections, together with the characteristic reference to the establishment of the Archbishopric of Justiniana Prima as *l'affaire*. In this context, we can note a unique argumentation to prove the strong position of Rome in Illyricum by attributing a protest against the Emperor's decision regarding Justiniana Prima to Pope Agapetus.[46] The only issue which awoke Zeiller's interest was the location of the city which was to honour the birthplace of Justinian in the administrative boundaries of the provinces at the time, in connection with the indisputable phrasing in Novel XI which situated the city in Dacia, not in Dardania. Over the next few decades, Zeiller repeatedly returned to reflections on the location of Justiniana Prima when discussing various other issues concerning the history of the Church organisation in

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on Novel XI, whose analysis as such held no interest for him: Duchesne 1892: 535–537; 546; 548–549. The popularity of this article was certainly due to its inclusion in the book: Duchesne 1905: 229 ff. It is impossible not to appreciate the achievements of this scholar, especially in the light of his monumental history of the ancient Church, but the latter does not include events from the 6th century: Duchesne 1910. The scholar's disregard for the importance of this topic is explicitly reflected in the treatment, or in fact in the omission, of Justiniana Prima in the description of the history of the Church in the 6th century, e.g. especially when discussing the pontificate of Pope Agapetus; Duchesne 1925: 95 ff., 146 ff.

43 Especially the times of Pope Gregory the Great and the institution of vicariate which functioned at the time: Duchesne 1892: 5 f.

44 Zeiller 1918: 385–394. This scholar's great achievements command respect and his fundamental studies are still useful, but they cannot be used as the main and only source of information, either in the discussion about Justiniana Prima or Thessalonica. A newer but by far more general study: Lippold, Kirsten: 1959: 147–189.

45 Zeiller 1918: 387.

46 Zeiller 1918: 390.

Illyricum, trying to explain the inconsistency between Procopius' account and the declaration of the Emperor himself, contained in the legal act establishing the Archbishopric of Justiniana Prima.[47]

B. Granić's article must unquestionably be considered a classic analysis of the issues related to the establishment and prerogatives of the Archbishopric of Justiniana Prima. Contrary to the declaration in the title, it discusses the entire source material concerning the history of the Archbishopric of Justiniana Prima, not only its beginnings.[48] After a brief introduction devoted to the Church organisation in Illyricum, Granić presents not so much an analysis as an in-depth commentary on those parts of Novel XI which referred to the sacerdotal power of the Archbishop of Justiniana Prima. Discussing this material on the one hand, and not avoiding reflections on the political aspects appearing in the constitution on the other, enabled Granić to formulate clear conclusions which make his study particularly valuable. According to Granić, the Archbishops of Justiniana Prima in 535–545 were completely independent of the authority of other bishops and were the highest officials of their Church. Their position was illustrated with a comparison to the privileges that Cyprus enjoyed at the time. It is also worth mentioning that the author asks a clear question about the motives which made Emperor Justinian introduce such a substantial modification of the Church organisation.[49] Granić noted that apart from the ruler's official declaration, which gave the personal reason for the elevation of Justiniana Prima, there were probably other objectives he wanted to achieve. The fact that this aspect of the study is examined very briefly does not decrease its importance. However, probably because of the title, and not its findings, the article is almost always cited when discussing the beginnings of Justiniana Prima. This leads to a rather peculiar situation where, without any comments on its main theses, it is quoted even in works which characterise the prerogatives of the Archbishopric very differently.[50]

It is probably impossible to overestimate the significance of the archaeological excavations near Caričin Grad (45 km south of Niš, 30 km west of Leskovac, and 7 km north-west of Lebane) for the studies on the history of Justiniana

[47] Zeiller 1930: 299–304; Zeiller 1947: 669–674; Zeiller 1959: 99–104.

[48] Granić 1925: 123–140. The content of the article is broken down into a general introduction about the Church in Illyricum (pp. 123–126) and a discussion of Novels XI and CXXXI and the situation in 545–602 (pp. 133–140). He also referred to this topic when discussing the history of the Archbishopric of Ohrid: Granić 1937: 396 f.

[49] Granić 1925: 130. The remarks on the Church law at the time and Novel XI itself as an imperial law are, along with the beginning, by far the weakest fragment of the article.

[50] Unfortunately, citing this work did not lead to any more in-depth findings or initiating a critical discussion. This is particularly true of the fundamental problem of the full independence of the Church of Justiniana Prima. Polemic remarks: Caspar 1933: 209 ff.

Prima.[51] There have been attempts to determine the approximate location of Justiniana Prima on the basis of written sources about the native country of Emperor Justinian, since it should be situated near Niš, in the vicinity of the borders of the provinces of Dacia Mediterranea and Dardania.[52] In the territory marked out in this way, Caričin Grad stands out – a hill with ruins, reaching 395 metres above sea level, between the Svinjarica River and its tributary, the Caričinska. There are no traces of other Late Antiquity centres in the vicinity, so we can only assume that the remains of Justiniana Prima are in the place with a telling name Caričin Grad [Empress's Town]. In 1912, a Yugoslavian archaeologist, V. Petković, conducting a preliminary examination of the ruins in Caričin Grad, came to the conclusion that they are probably the remains of the city erected by order of Emperor Justinian I to honour his birthplace.[53] Serious excavation works began only in the second half of the 1930s, since it was necessary to allocate considerable funds for removing large quantities of earth.[54] Archaeologists uncovered the remains of a city located on a hill, irregularly shaped, narrowing from the north to the south, 250 to 100 metres wide and 500 metres long. The revealed remains of constructions allowed the archaeologists to identify a fortified acropolis and an adjacent city, with the total area of 7–7.25 ha. Next to the acropolis, there is a medium-sized upper city with the area of approximately 3–4 ha, separated from the lower city by a wall, covering the area of approximately 2 ha.[55] All construction works in Caričin Grad are chronologically divided into three periods. The first probably covered the 520s and 530s, the second lasted from the 540s to the 570s, and the third up until the early 7th century.[56] The archaeological examinations in Caričin Grad have continued and seem to provide arguments in favour of the theory

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[51] Comprehensive works including overviews of the state and history of studies: Kondić, Popović 1977: 8 ff., 300 ff.; Bavant, Ivanisević 2006: 109 ff. Bibliographical directions – Snively 2001: 338–668; Mano-Zissi 1972: 687–717; Grotowski 2006: 176 fn. 306.

[52] The location of Caričin Grad, identified with Justiniana Prima, is sometimes still very imprecise. Evans (2008: 108) places it in Epirus, Macedonia. Wilkes (1969: 425) believes it was located in Moesia Superior.

[53] Petković 1913: 285 ff. This is the date of the actual archaeological works in the field, which is commonly accepted and commemorated by organising scientific events: Kondić, Popović 1977: 3; Bavant, Ivanisević 2006: 7.

[54] Petković published information about the excavation works in brief reports in 1937–1939. More: Petković 1948: 40 ff.

[55] Claude 1969: 164, 240. Dintchev accepts this 1999: 53. Kondić, Popović 1977: 17 ff., 307 ff.; Bavant 1984: 273–275. At present, the size of the cities is also estimated at 20 ha, and the acropolis at 8 ha: Ivanišević 2010: 1.

[56] An overview and basic description: Kondić, Popović 1977: 168 ff., 371 ff.; Snively 2001: 641–642; Ćurčić 2010: 209–214. The settlement of the city towards its end: Popović 1978: 634 ff.; Bavant 1984: 280; Curta 2001: 130 ff.; Ivanišević 2012b: 57–69.

about the special purpose of the city, but in a completely different dimension than it is commonly assumed.[57]

On the basis of the account of Procopius of Caesarea, Justiniana Prima was imagined to be a great, populous city; the metropolis of the area and the Archbishop's seat.[58] However, if we accept the identification of this centre with Caričin Grad, it is necessary for the reconstruction to take into account the reality of the place, which determines the size of the city as reflected in the built-up area and the size of the population. A city with the area of approximately 7 ha, even if we assume that the suburbs outside the walled city proper were used for residential buildings, does not in any way stand out with regard to its size.[59] Estimates allow us to approximate the population size at 3,000 up to perhaps 10,000 inhabitants, which again cannot be considered a reflection of its greatness.[60] Quite the contrary, conclusions about the size of Justiniana Prima when seen through the prism of Caričin Grad are disappointing and – it seems – should encourage reflection and a deeper analysis of the written sources, especially

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[57] Reports about the results of both the excavation works and other examinations conducted by Serbian and French archaeologists are usually published in successive issues of the *MEFR* journal. The publishing plans for the coming years: Bavant, Ivanisević 2006: 112–113. A discussion of the findings and reproductions of seals etc.: Petković 1948: 48; Kondić, Popović 1977: 185 f., 387 f. A summary of the inscriptions: Popović 1990: 53–108; Feissel 2000: 92. Coin finds: Popović 1975: 485 f.; Popović 1978: 634 f.; Curta 1996: 90, 100 ff., 171–173. A catalogue: p. 130 no. 87, pp. 133–134 no. 102–104, p. 160 no. 168, p. 165 no. 183. The last publications about the archaeological works: Ivanišević 2010: 1–29.

[58] Justiniana Prima as a grand, large or distinguished city: Zachariae 1865: 7; Stein 1949: 221, 275; Udalcova 1967: 232; Popović 1978: 613; Whitby 1988: 74. Zanini 2003: 216 depicts the city differently. Despite some distinct features, he notes the similarity of Justiniana Prima to cities with defensive functions which were emerging in the 6th century.

[59] Claude 1969: 164; Kondić, Popović 1977: 307. According to Bavant (2004: 323) it was 8 to 9 ha within the walls. The size of the cities which were destroyed or abandoned over the centuries is difficult to specify precisely. Considering the current state of archaeological examinations, it is proposed that the area within the Late Ancient walls should be taken as the criterion for classification. In dioceses in Thrace and Dacia we can distinguish three groups of cities: 1) large over 30 ha; 2) medium-sized between 10 and 30 ha; 3) small ones under 10 ha. Allowing some margin is necessary when using this classification. In Thrace and Dacia small and medium-sized cities dominate, therefore 5 ha is proposed as the minimum limit for a city, but it could be between 4 and 6 ha because of specific conditions: Dintchev 2000: 52 ff., 66 ff. In terms of its area, the city discovered in Caričin Grad was small.

[60] The population estimate does not change the picture of Justiniana Prima as a small city, since the more likely number is approximately 3,000 inhabitants: Maksimović 1991b: 823. A lack of convincing evidence of full and moderately permanent inhabitation proving the existence of a large population: Dintchev 1999: 53. The role of the suburbs is strongly emphasised, even assuming that the majority of the inhabitants lived outside the city walls: Bavant 2004: 324. The buildings in the city proper can also justify higher estimates with regard to the population: Snively 2007: 57 fn. 9.

the city's description in Procopius' work. Considering the natural conditions of the area, it is also necessary to ask a question whether a city in such a location had any chance of dynamic growth, reflected in its size, wealth, or number of population. The vicinity of a river, i.e. its location on the Svinjarica, which is a tributary of the Pusta Reka, which in turn is a tributary of the Morava, does not change the general picture of the situation, which enables us to describe the location of Caričin Grad as peripheral to main communication routes, and does not answer the question whether the area was well supplied with drinking water.[61] As for the description of the city itself based on archaeological findings, it is of fundamental importance that the main, i.e. most representational, buildings were religious. This even allows us to propose a hypothesis that the city was built as a religious centre.[62] In this regard, the uniqueness of this place is indicated by the impressive size of the basilica on the acropolis (65 metres long and 22 metres wide), which perhaps reflects the designed religious significance of the city intended by the founder.[63] Considering the location of the city whose ruins were discovered in Caričin Grad, and the features of the monuments found there, it can be assumed that this type of settlement, performing the function of a religious centre, did not necessarily have to be large as a city and may have been inhabited by a relatively small population.

Petković very intensely and, let us add, extremely successfully, started to popularise his views on the identification of Justiniana Prima with the ruins in

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[61] Nearby communication routes which were important in Late Antiquity: Kondić, Popović 1977: 9, 302. Dintchev 1999: 53 notes the peripheral location. Bavant (2007: 337 ff.), in turn, emphasises the importance of the local communication routes, which does not significantly change the picture of the situation. Neither does the description of the nearest area as fertile: Ivanišević 2010: 1. In this context, the matter of supplying the city with drinking water is of paramount importance. This was probably the most important factor which prevented Justinian from conducting serious construction works on this spot, which unfortunately is not being verified today, to the extent that it is possible, either in terms of source information or chemical examination. The water in the area was of very poor quality and apparently an aqueduct was unable to significantly change the situation by ensuring a sufficient supply. See Chapter III.

[62] Hoddinott 1963: 204 ff. Usually, the relatively large number of churches is noted but no final conclusions are drawn from this fact about the character of this centre, since its significance outside the religious sphere must also be taken into account, such as the information in Novel XI about the intended move of the prefect's seat. Therefore, there is a problem with identifying the buildings which could have housed civil authorities. This is so puzzling in the case of Caričin Grad that e.g. a hypothesis about the residence of the secular and ecclesiastical authorities under one roof has been proposed: Claude 1969: 82. Conclusions concerning the purpose of the city: Snively 2001: 652.

[63] Mano-Zissi 1972: 702. Zanini 2003: 218 noted the variety of religious buildings. Similarly – Ćurčić 2010: 213.

Caričin Grad, quickly attracting supporters.[64] The progress of excavation works in Caričin Grad and the discussion about the location of the city which was to honour the birthplace of Emperor Justinian did not really contribute directly to the intensification of historical studies on the sources devoted to the Emperor's home town or his religious policy. We could even say that the interest in Justiniana Prima itself was small, from any point of view other than broadly defined studies on a 6th-century city.[65] The most recent historical analyses devoted to the times of Justinian, when discussing the ruler's building activity, naturally mention Justiniana Prima – usually exaggerating its importance.[66] Despite declarations that the description of Procopius of Caesarea should be used cautiously, it is shown as a city which was to play an outstanding role as a centre of not only ecclesiastical, but also state administration, with its own garrison.[67] There are even opinions which see Justiniana Prima, identified with Caričin Grad, as the new capital of Illyricum.[68]

The weakness of the argumentation for the identification of a large city, which Justiniana Prima was allegedly supposed to be, with the ruins in Caričin Grad, works in favour of the old theory identifying the city to honour Emperor Justinian's birthplace with Skopje.[69] Only this centre supposedly corresponds with the features which Justiniana Prima should have had according to Procopius' description and the material resources available to Emperor Justinian for achieving this important goal. Although an earthquake destroyed Scupi, its population survived, which is clearly stated by Marcellinus Comes. The

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[64] Publications from the late 1940s and those from later years which referred back to them should be regarded as crucial for popularising the findings of his examinations and for accepting this location as probable: Petković 1948: 40 ff.; Grabar 1948: 49 ff. Later Radford 1954: 15 ff.

[65] The interest of archaeologists is particularly noticeable, since the unique character of this site consists in the fact that there are no later buildings: Hoddinott 1963: 206; Claude 1969: 6. Justiniana Prima is quoted as an example in classical studies on Late Ancient and Byzantine cities: Dintchev 1999: 53; Mundell Mango 2000: 919 ff.; Zanini 2003: 207–218; Ćurčić 2010: 209. An overview of mentions in the older literature about Justiniana Prima: Prinzing 1994: 28. However, we should not exaggerate the popularity of this topic in the broader context of studies on Late Antiquity, which is indicated by its inclusion in a work on Late Ancient cities: Liebeschuetz 2001: 81 – only a plan with a caption saying that it was a late centre of civil and Church administration with few inhabitants.

[66] Sarris 2011: 173; Lee 2013: 253–254. Justiniana Prima as a military and ecclesiastical centre: Poulter 2007: 20. The views of Zanini 2003: 215–216 may be an exception. He believes that there were no plans for this city to play the role of an administration centre.

[67] Liebeschuetz 2007: 107, 113.

[68] Sarantis 2013: 779–780.

[69] Mikulčić 2002: 58; Aubert 1995: 675; Wilkes 2013: 752. With more caution, but still as a possible alternative for the identification with Caričin Grad, supposedly indicated by a historical argument: Aleksova 1998: 23.

people probably relocated to a new place – perhaps 6 km south-east, to the hill of Markovi Kule.[70] The local ruins are impressive: a wall on the hill with three terraces strengthened with numerous towers, an acropolis, and cisterns. Archaeological traces indicate continuous inhabitation, which is confirmed by coin finds from the 6th and early 7th century. Unfortunately, these observations only concern the continuity of inhabitation in the broadly defined area of Scupi and do not contribute anything to the discussion about the identification of this city with Justiniana Prima. All arguments are either general or even erroneous:[71]

1. Justiniana Prima took over the status of metropolis from Scupi, therefore the connection between the two cities,
2. the monumental fortifications on the Kale hill,
3. the fortifications on Markovi Kule strengthened with 35 towers,
4. the aqueduct,
5. the favourable conditions and continuous inhabitation in the vicinity of Skopje, which lasted for centuries.

In the light of the attempts to identify Skopje with the city built by Justinian to honour his native country, the ruins in Caričin Grad, dominated by the remnants of churches, indicate that they are remains of a bishopric of unknown name, rather than a great city, which Justiniana Prima was supposed to be.[72] Any argumentation of this kind does not seem convincing, but it highlights the weak points of the most probable identification of Justiniana Prima today with Caričin Grad.

When discussing the issues related to the establishment and prerogatives of the Archbishopric of Justiniana Prima, it is also worth mentioning a few other studies usually cited in this context. During the reign of Justinian, the importance of three bishoprics stands out in the existing Church organisation in the Empire: Carthage, Justiniana Prima, and Ravenna. These are the three centres which R.A. Markus devoted his article to, listing and comparing various kinds of privileges of the bishoprics, which indicated their legal position

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[70] A description of the area of Skopje and archaeological traces of inhabitation: Bavant 1984: 249; Dintchev 1999: 43; Mikulčić 2002: 190–195, no. 58 Vodno (Skopje).

[71] Mikulčić 2002: 58. The ruins on Markovi Kule as such are not larger than Caričin Grad. This is why it is so important to specify what, in the topographical reality of Scupi/Skopje, should really be identified with Justiniana Prima and what conclusions can be drawn from this for the description of the city.

[72] Mikulčić 2002: 58. Unfortunately, the topic of which centre it might have been is not expanded on, which is of significance in view of the size of the buildings. There is also no reference to e.g. Hoddinott 1963: 200, who noted the ruins at Zlata, whose size suggests the possibility of identification with Justiniana Prima. This was not forgotten by Popović, Kondić 1977: 167.

surpassing the regular Church metropolises, and trying to address Justinian's other activities related to shaping and regulating the Church organisation.[73] However, when one disregards the historical perspective and overlooks the sudden political changes which were the backdrop to the Emperor's activities on the level of transforming the Church administration, it is difficult to formulate comprehensive conclusions. This is all the more important since, taking Justinian's policy as a starting point, the analysis should begin with sources devoted to Justiniana Prima, because the legal regulations concerning this Church are earlier than the laws concerning the Church in Africa, not to mention Ravenna. As for findings directly related to the establishment and position of the Archbishopric of Justiniana Prima, a more in-depth analysis was not conducted, which should be unsurprising considering the method adopted in this study. Markus not only did not analyse Novel XI in order to determine the prerogatives of the local Church, but also addressed the importance of the changes introduced by Novel CXXXI in the least specific way possible. Similarly, all remarks on the genesis and significance of that Church are general and not based on an analysis of the historical context and, in the light of the literal and legal interpretation of the sources, do not contribute anything.[74] From the point of view of popularising research on Justiniana Prima, the importance of this study decisively exceeds its worth in terms of content, but this is a result of its title and the fact that it was published in a widely available periodical.[75] At the same time, it should be emphasised that the author's reflections on the development of a hierarchy among the bishoprics are noteworthy, as are his findings concerning the development of the Church organisation in Africa, especially the position of the Bishopric of Carthage in Late Antiquity.[76]

H.-G. Döpmann's publication occupies a special place among all the works devoted to Justiniana Prima, as it mentions legal aspects related to

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[73] Markus 1979: 277–302. The use of Justiniana Prima as an illustration in this study was not very innovative in itself, since the Emperor granting it the status of archbishopric was a visible sign of its unique position. A discussion of Justiniana Prima's case (pp. 289–292) and remarks in the conclusion (pp. 299–300).

[74] The conclusions about the desire to match the importance of these three cities in the system of imperial administration and the ecclesiastical organisation are too general. In the case of justifying the rank of Justiniana Prima, it is stated that it was related to the intended position of this centre in the administrative system of Illyricum: Markus 1979: 291. Another publication, despite its title, does not contribute anything to studies on Justiniana Prima: Markus 1985: 113–124.

[75] If one does not conduct one's own studies, then referring to this publication in order to form an opinion on this issue, not to mention an analysis of the sources itself, is not very helpful. The analysis is quoted e.g. by Prinzing 1986: 60 fn. 214.

[76] Markus 1979: 282 ff. See Chapter V.

the Emperor's power to decide the status of the local Church in accordance with the ecclesiastical law.[77] Justinian, wanting to honour his birthplace, built a city and this, in the light of canon XVII of the Council of Chalcedon, gave him power to make an independent decision on the shape of the relations in the Church organisation, i.e. on the rank of the bishopric.[78] Döpmann's article covers many topics, and the starting and finishing point of his reflections is the Christianisation of Bulgaria and the Church organisation which was then re-shaped. The earlier period and the development of the ecclesiastical organisation in the territories which were part of the Bulgarian state in the 9th century were revisited from this perspective. Döpmann referred directly to Granić's findings and confirmed the full independence of the Church of Justiniana Prima in the light of Novel XI.[79] However, the scholar's own findings are not as clear when he attempts to specify comprehensively the role of this Archbishopric, the reason why it was established, and the later lowering of its legal status.[80] This is due to a very broad background, roughly outlining Justinian's Church policy and his relations with the papacy, as well as mentioning the subsequent war in Italy that led to the Emperor regaining Rome, which further overshadowed the importance of analysing Novel XI.[81] With respect to legal matters, the principle of adjusting the order in the ecclesiastical organisation to changes in the state administration introduced by rulers, reflected in the mentioned canon XVII, is in itself only one of the elements that need to be considered in order to be able to describe the case of Justiniana Prima. Döpmann's attempt to conduct a more in-depth analysis, which consisted in developing a legal argument for the lawful establishment of the rank of the local archbishopric, cannot be considered correct or convincing.[82]

The analysis of Ch. Pietri, devoted to presenting the Church organisation in Illyricum in the 5th and 6th century and characterising the papacy's position in this region, contributed nothing new to the studies on the history of

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77 Döpmann 1987: 226. Earlier, Michel 1959: 15 mentioned the importance of canon XVII of the Council of Chalcedon when discussing Justiniana Prima.

78 Döpmann 1987: 226.

79 Döpmann 1987: 227–228.

80 It follows from this reasoning that Justiniana Prima also became the metropolis of the province of Dacia Mediterranea. It is related to moving on to discuss Novel CXXXI and the role of the papacy: Döpmann 1987: 228.

81 Döpmann 1987: 225 ff.

82 Döpmann 1987: 226. The entire construction is based, among others, on canon XXVIII of Chalcedon, which gave the Archbishop of Constantinople power over barbarian lands, and canon III of Constantinople. Sirmium was destroyed by the barbarians, and the Empire temporarily lost to them the territories taken over by Justiniana Prima. A similar argumentation: Martin 1953: 454 and fn. 109.

Justiniana Prima.[83] The fact of collecting and discussing the rich material in itself had virtually no influence on investigating the existing findings in more detail, and in this case the manner of presenting the Church relations in the region obscured the picture of the situation rather than explaining the described changes of the papacy's position in Illyricum Orientale.[84] The changes implemented by Justinian on the basis of Novel XI were set apart in the course of the narration, which indicates that their importance was appreciated. The commentary on the text of this constitution, especially since it was interpreted together with Novel CXXXI, did not bring any new findings and thus contributed to strengthening the previous approach to the problem of the establishment and subsequent role of the Archbishopric of Justiniana Prima.[85]

Previous studies have not attempted a comprehensive analysis of the main written sources devoted to Justiniana Prima and this is probably why the significance of Justinian's actions related to the establishment of the Archbishopric remains underappreciated. The possibility of reconstructing the importance of this centre on the basis of Procopius of Caesarea's account from Book IV of his work *De aedificiis* has certainly had an influence on such an approach. The account enables the reader to see Justiniana Prima's historical role mainly from the perspective of Justinian's building activity in Illyricum. Procopius' description of the city built to honour Justinian's birthplace seems to perfectly fit the picture of the situation in a region intensely fortified by the ruler and is comprehensive enough to enable the reader to treat Novel XI merely as a confirmation of one of its elements. The data included in Book IV of *De aedificiis* are used in various kinds of studies whose contribution to the broadly defined analysis and reconstruction of the situation in Illyricum or to popularising knowledge about Procopius'

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[83] Pietri 1984: 21–62. An introduction to reflections on the situation in the 5th century, especially with regard to the legal aspect of the Church organisation in the region, is sorely missing; most importantly, the text is written, almost traditionally, from the perspective of the obviousness of the papacy's jurisdiction in Illyricum, and the key issues concerning the sources of Rome's position and Thessalonica's role seem to be lost in a multitude of details.

[84] It is difficult to understand the whole fragment about the legal conditions in which the Church of Illyricum functioned with regard to the alleged 'disappearance' of the vicariate (Pietri 1984: 24–35) and the situation at the beginning of Justinian's reign (Pietri 1984: 50) since Theodosius' law of 421 was unlikely to have been forgotten, as indicated by the fact that it was included in this ruler's Code. It was also included in Justinian's Code, which is evident in the revised version from 534. In this context, the publication date of the first version of the Code from 529 is not cited, as Pietri does, because it cannot be established with certainty as a result of the text missing.

[85] Pietri 1984: 48 ff. The study is cited as the basis for discussing the situation in the region: Flusin 2004: 124.

work is considerable, which, however, does not directly add to the basic research on this work as a whole, which would involve, first and foremost, determining its message, dating, and relation to the other works of this author.[86] At present, philological studies on the names of fortresses built or restored by Justinian and listed by Procopius are undoubtedly the most advanced.[87] In this context, we could also mention the old discussion about the presence of Slavonic toponyms among them.[88] An analysis of the situation which considers the list of citadels and general information about Justinian's building activity related to fortifying cities gives us an opportunity to reflect on the genuine threat posed by the barbarians inhabiting the territories north of the Danube.[89] In relation to this, the very emergence of Justiniana Prima as a new city is perceived as an important element of the imperial policy in Illyricum aimed at fortifying and restoring the administration in the areas particularly affected by wars and barbarian invasions in the 5th century. Justinian honoured his birthplace by building a city which was supposed to become a great centre of state and religious administration. The not altogether clear provisions of Novel XI make it difficult to determine whether Justinian decided to create a new administrative centre for entire Illyricum, where the Archbishop and the Prefect would reside, or whether he had in mind only the territories on the Danube.[90] There is nothing to indicate that the establishment of the archbishopric was in any way related to a change in the Emperor's policy from offensive to defensive with regard to the barbarians invading the provinces adjacent to the Danube.[91]

What Procopius' work *De aedificiis* has in common with Novel XI is not only a description of Justiniana Prima, but also two passages devoted to the city of Aquis in the province of Dacia Ripensis. This means that both these sources are used in attempts to reconstruct the history of that city. So far, this has not contributed to a more in-depth analysis of either of these sources, which should not be surprising in the light of the findings about Justiniana Prima. The history of Aquis in Late Antiquity is, basically, a separate topic. A careful analysis of the accounts of Procopius and Novel XI shows clear

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86 I discuss this issue elsewhere p. 87 fn. 1.

87 Beševliev 1967. A complete study which collects and discusses the older literature on linguistics: Beševliev 1970.

88 Recently Maksimović 2007: 407 ff.

89 Waldmüller 1976: 65 ff.

90 Maksimović 1984: 143–157.

91 According to Curta, in 533 Justinian abandoned his offensive policy against the barbarians on the other side of the Danube and began fortification works related to wars in the west: Curta 2001: 76–77.

differences, which are difficult to explain when the picture of the situation is obscured by ambiguous information from other sources.[92]

Even a brief overview of the literature devoted to Justiniana Prima reveals a shortage of detailed historical studies based on an analysis of written sources, which cannot be replaced by even the most precise descriptions of findings of the archaeological excavations in Skopje or Caričin Grad. Without an analysis of the written sources in the historical context we cannot see and appreciate how momentous Justinian's decision to establish the Archbishopric was; consequently it is unreasonable to expect an interest or knowledge of the history of this centre outside the circle of specialists. It is not uncommon for synthetic works on the history of the period to fail to mention Justiniana Prima at all in the context of its importance in the Church organisation.[93] Presumably the enigmatic role of this centre in the administrative system of the Empire after 535 and the quick lowering of the rank of the Archbishopric, which was handed over under Rome's jurisdiction, meant that, in discussions not only about the history of the Empire in the 6th century but even about ecclesiastical matters, if this city is remembered at all, it is as the birthplace of Justinian or as the seat of the second, along with Thessalonica, papal vicariate in Illyricum.[94] The topic of Justiniana Prima plays an important role only within the circle of specialists in Church organisation or in the history of Illyricum. It must be admitted that at present the situation has improved with regard to the very fact of noting the city's existence, since it is easier to find basic information about Justiniana Prima in encyclopaedic and specialist works on the history of the Church or art. This does not mean, however, that much progress has been made in the studies or even in explaining the discrepancies between existing analyses. An excellent example of underestimating the importance of Justiniana Prima in the past is its description in the RE, which included only Procopius of Caesarea's information, completely overlooking the religious importance

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92 Procopius' other works and Hierocles' work *Synecdemus*. Aquis is discussed in Chapter IV.

93 More extensive works are better in this respect, e.g. Stein 1949: 396 ff. It does not, however, justify completely overlooking this issue. Perhaps knowledge about Justiniana Prima will become more common since information about its existence has started to appear even in more general works: Koder (1984: 105) mentions the city and marks it on the map. Also Döpmann 2006: 12.

94 Bury 1958: 363–364; Demandt 1989: 197; Treimer 1960: 626–627. It is difficult to briefly discuss all the issues concerning the status of the Church, which leads to unfortunate cuts: Frazee 1994: 46; Scheibelreiter 2005: 685, but Justiniana Prima should probably not be completely overlooked when discussing the situation in Illyricum: Dvornik 1958: 26 ff.; Nicolova 1993: 26–33.

of the centre.[95] A new classic encyclopaedic work devoted to the Antiquity, the DNP, does not include Justiniana Prima either,[96] but this is to some extent compensated for by entries in the parts devoted to the Early Middle Ages. On the one hand, this signifies a great progress in that knowledge about the centre is popularised at all, but on the other hand, unfortunately, the information does not really contribute to making any headway towards explaining its historical role. The problem is that if the readers do not know the sources or the literature, then, as a result of the manner in which the information is presented, they will draw erroneous conclusions and form a false picture of the situation also in Illyricum in Justinian's times.

In the ODB,[97] Justiniana Prima was presented rather unfortunately as a city in Dardania and the religious capital of Western Illyricum. In 535, the local Bishop supposedly obtained autocephaly, but in 545 the Emperor listened to the protest of Pope Agapetus and declared Rome's jurisdiction over him. The depiction of Justiniana Prima as an intended large city was in a sense verified by a mention of the remains of Caričin Grad. Ascribing an outstanding role in Western Illyricum to this centre is, unfortunately, not an accident, but rather the result of a chain of probably quite random mistakes in using terminology inadequate for Justinian's times in the description of this region.[98] The mention of the Bishops of Ohrid and Velbužd taking over the title of Archbishops of Justiniana Prima is also imprecise, but what is even worse is that the reader who does not know the subject matter can get completely confused while becoming absorbed in the explanation of the problem in this publication.[99] In this context, the brief text devoted to the city in the LdM stands out, since it precisely shows the beginnings of the Church of Justiniana Prima and states directly that it enjoyed full independence for ten years.[100]

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[95] Vulić (1919b: 1309) included it very briefly, mentioning only Procopius and without characterising his description in any way. He merely referred the reader to Evans' findings.

[96] When discussing the origin of Emperor Justinian, Justiniana Prima was mentioned as a city erected in the vicinity of Tauresion: Tinnefeld 1999: 101.

[97] Kazhdan, Djurić, Cutler 1991: 1085.

[98] Pritsak (1991: 987) in the entry on 'Illyricum' introduced even more confusion with regard to the role of Sirmium, Thessalonica, and Justiniana Prima in the state administration.

[99] Kazhdan (1991: 1514), presenting the history of Ohrid, writes that Justiniana Prima allegedly replaced Lychnidos as a bishopric. In turn, when discussing the history of Velbužd – Stanojevich Allen 1991: 2156 – it is merely mentioned that the local bishopric appears as a suffragan diocese of the Church of Bulgaria referred to as Justiniana Prima in note XIII, Appendix 2: *Notitiae Episcopatuum*: 371 ff. There is no information about the identification of the city.

[100] Maksimović 1991b: 823.

The latter publication also contains information about Justiniana Prima in the description of Illyricum.[101]

The depiction of the history of this Archbishopric in religious encyclopaedias cannot be considered satisfactory. The entry in the DHGE[102] is very disappointing; although it does discuss all the aspects of the broadly defined subject of Justiniana Prima, it does so in a manner which may serve to strengthen erroneous opinions about it. Justiniana Prima is identified with Skopje, and its bishop supposedly had a position of similar rank as the Bishop of Thessalonica (both described as *suprametropolitans*) and administered the Church province created from the territories excluded from the Exarchate of Thessalonica.[103] As for the Bishopric of Justiniana Prima itself, it is mentioned in the context of presenting the ecclesiastical organisation in the province of Dardania, where the local metropolis of Scupi, under the name of Justiniana Prima, supposedly became the seat of an autonomous bishopric.[104] It also appears as a bishop's seat in the description of changes in the Church organisation in Dacia,[105] but it should be added that the entry on Illyricum does not mention it at all.[106]

In the latest edition of the *LThK*, we can at last find basic information about Justiniana Prima.[107] As for the location of the centre, the identification with Caričin Grad is accepted. The status of the local Church is described generally as *(Quasi-) Autokephalie*. The existence of Novels XI and CXXXI is mentioned, unfortunately briefly, in a manner suggesting that the latter did not change but rather confirmed the status of the bishopric.[108] In the case of this publication as a whole it is difficult to speak about a considerable progress in appreciating the importance of Justiniana Prima, since the entry on Illyricum

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[101] Maksimović 1991a: 381–382. A discussion of the situation in Illyricum with an emphasis on the role of Justiniana Prima in Justinian's building activities in the region.

[102] Aubert 1995: 675–676.

[103] Only when a tome containing a discussion of the powers of the Bishops of Thessalonica comes out will it be possible to recreate more cohesively the significance attached to the changes introduced in the region's Church organisation by Novels XI and CXXXI. In the entry on 'Illyricum,' the geographical scope of the term is treated in a surprising manner to say the least, completely overlooking the territories of the southern part of the region: Lucić 1995: 857.

[104] Janin 1960b: 86.

[105] Janin 1960a: 8.

[106] Lucić 1995: 854–868, without mentioning Justiniana Prima.

[107] The 3rd edition of the publication contains a separate entry: Prinzing 1996: 1107. The 2nd edition of the *LThK* mentions Justiniana Prima in the description of the situation in Illyricum, identifying it with Skopje.

[108] Prinzing 1996: 1107. Unfortunately the version of the description is too brief.

does not contain any mention about it, and more importantly, does not even address the main issues related to the Church organisation of this region.[109]

In comparison to the very unspecific and imprecise descriptions of the history of Justiniana Prima in the mentioned main encyclopaedias devoted to the Antiquity and the Middle Ages, the fragments about this city in the *RbK* and the RAC decisively stand out in terms of length as well as the manner of presentation of the material.[110] After reading the two texts, however, it becomes apparent that mentioning Justiniana Prima is, in fact, a pretext to show the history of the centre with the identification with Caričin Grad accepted as virtually certain; compared to the other works, however, this is still great progress. The presentation of the most important information generally referring to Justiniana Prima and the compilation of the literature devoted to the excavations in Caričin Grad make these texts truly valuable and useful. The entry in the *RbK* was prepared by D. Mano-Zissi, a Yugoslavian archaeologist who conducted the excavations in Caričin Grad for many years, which may explain why it lacks an understanding of the importance of analysing the written sources. Although they were referred to at the beginning of the entry as the basis of our knowledge about Justiniana Prima, the need for historical studies as such was not even mentioned.[111] An expert description of the excavations in Caričin Grad, accompanied by numerous sketches, is what makes this entry valuable.[112]

The entry on Justiniana Prima in the RAC, written by C. S. Snively, contains a clear and relatively long description of the entire material concerning the history of Justiniana Prima presented in a typical fashion.[113] Special emphasis was placed on organising and systematising specific issues related to the reconstruction of the city's history, especially all aspects of its functioning in the light of the findings of the archaeological excavations in Caričin Grad. As

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[109] The entry on 'Illyrien' contains two parts: Kirigin: "Vorchristliche Antike" and Cambi: "Kirchengeschichte" 1996: 425–426. Both approaches to the subject are thoroughly disappointing.

[110] Mano-Zissi 1972: 687–717; Snively 2001: 638–668; the similarities between the two entries can be seen in the layout and manner of presentation of the material, and the main difference results not so much from the passage of time and emergence of new studies, which should lead to updating the findings, but from the length of the text. In the RAC, a lot of space is devoted to the entry, which made a more detailed description possible, which still, without the knowledge of the main sources, is insufficient to form an opinion.

[111] Mano-Zissi 1972: 687–688.

[112] Mano-Zissi 1972: 689 ff. Regrettably, the findings concerning Justiniana Prima from the work of Claude 1969: 164, 240 are not the starting point of his account.

[113] A clear structure: Snively 2001: 638. The beginning clearly shows how sorely historiographical analyses are missed, as is a direct reference to the latest analysis: Kondić, Popović 1977.

a result, it does not contain a long analysis of the written sources or a historical context, but it quite diligently mentions fragments of the main accounts with brief commentaries and the literature. To some extent, such a manner of presenting the material makes it more difficult to form a comprehensive opinion about the essential issues, such as the status of Justiniana Prima in the Church organisation.[114] The adopted fashion of presenting the material when recreating the history of the city shows all the weaknesses of previous studies, trying to fit fragments of the sources to the findings of the excavations in Caričin Grad.[115] When it comes to the analysis of the written sources, this publication does not contribute anything, but in comparison with the earlier ones it deserves to be singled out.

To recap the presented overview of the most important (from the perspective of historical research) publications about the history of Justiniana Prima, it should be emphasised that not only do they fail to devote enough attention to analysing the written sources, but even when accepting the identification with Caričin Grad, they show no willingness to use the sources to verify the results of archaeological studies. Evidently, the reconstruction lacks sufficient consistency and precision, as well as comprehensive conclusions. This is why it is so important to conduct a historical study on the history of Justiniana Prima without being influenced by any possible location of this city.

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[114] Assuming the independence of Justiniana Prima from Thessalonica and Rome: Snively 2001: 639, 642, 644.

[115] Addressing very difficult issues concerning e.g. the garrison and a possible lack thereof after Justinian's death, or the dominance of religious functions as regards the ruins: Snively 2001: 641, 646.

Chapter II: An analysis of Novels XI and CXXXI

An analysis of Novel XI

Novel XI has not been the subject of a comprehensive legal or historical analysis until now.[1] The reason for this is probably the impermanence of the changes it introduced in the Church organisation, and, most importantly, its unclear wording.[2] Legal analyses usually only note the fact of its existence among the other constitutions devoted to ecclesiastical matters; at most, they specify that it concerned the establishment and prerogatives of the Archbishopric of Justiniana Prima, or mention its local significance.[3] On the other hand, in broadly defined historical works, Novel XI has been known and repeatedly used, mainly for the purpose of collecting data. The changes which it introduced in the Church organisation of Illyricum are generally cited, not infrequently in the context of the situation of this region in Late Antiquity or Justinian's relations with the papacy.[4] Novel XI was and still is treated as an important source for the history of the territories on the Danube and in Illyricum in the 5th and 6th centuries. This mainly concerns the information about the local praetorian prefecture and the division of this territory between the Eastern and Western Empire. The data from this source are equally important for reconstructing the situation in the territories adjacent to the Danube, where the Empire was involved in disputes with the Ostrogoths and the Gepids.[5]

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1 Only a historical analysis: Turlej 2014: 341–359; a comprehensive study: Turlej 2011: 49–79.

2 Lemerle 1954: 267.

3 Van der Wal 1964: 18; Bonini 1978: 161, 176; Lanata 1984: 157; Bonini 1985: 142; Bonini 1989: 12; Haase 1994: 4.

4 Zeiller 1918: 385 ff.; Caspar 1933: 209 ff.; Jones 1964: 823; Markus 1979: 289 ff.; Pietri 1984: 48ff.; Bratož 2011: 217 ff.

5 The part of Novel CXXXI devoted to Justiniana Prima also concerns this subject matter. Both constitutions are interpreted together. An overview of the literature: Stein 1925: 357 ff.;

So far, the intrinsic importance of Novel XI as a historical source has not been appreciated, although it not only provides information about an important modification of the ecclesiastical organisation but also deserves special attention as a legal act. The philological analysis suggesting that the preparation of this constitution should be attributed to Tribonian, one of the most outstanding jurists and a close collaborator of Justinian, not only did not inspire reflection but exerted almost no impact.[6] Regardless of the question whether a philological study can allow us to attribute the authorship of individual laws to specific imperial officials solely on the basis of analysing the vocabulary or grammar structures, it remains an indisputable fact that there is a need to look at this account as at an official document creating a new legal environment, grounded in the reality of the time, which was probably prepared by some of the most outstanding jurists of the era. This is why we feel such an acute lack of an analysis of Novel XI which would take into consideration the content of the source in relation to the discussed subject matter, the layout of the material, and the logic of the account. Only a literal interpretation of the text will enable us to conduct a more in-depth analysis by virtue of referring to the legal situation and historical context. Establishing the full message and significance of the novel is only possible in the context of the reality of the era and taking the laws in force as a reference point. It is only then that we can distinguish between what the Emperor officially declared in the document, what he actually wanted to achieve, and the manner in which he tried to present the introduced changes to the interested parties and public opinion. As a result, this will be an opportunity to leave behind a very general and superficial evaluation of the significance of the source and to use it to a larger extent in order to reconstruct Justinian's policy.

Starting an analysis of Novel XI, we should mention some serious limitations which generally appear when interpreting any novels of this Emperor. The condition of the sources seems to clearly indicate that the Emperor, contrary to his announcement (c. Cordi § 4) did not publish, in the form of a legal act, an official collection of constitutions issued after the publication of the amended Code.[7] Only private collections of novels have survived to our times; this means that there is no certainty, on the one hand, whether they include all the laws issued by the Emperor, and on the other hand, whether the compilations prepared for practising jurists include the full texts of the

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Wozniak 1981: 355–356; Popović 1987: 101–108; Maksimović 1984: 143 ff.; Prostko-Prostyński 1994: 242; Tóth 2010: 148 ff.

6 An analysis of Novel XI: Honoré 1978: 118 ff.; a list of analysed terms: p. 306; Turlej 2011: 50.

7 *CIC* II: 4. Wenger 1953: 652 ff.; van der Wal 1964: 9; Liebs 2000: 251; Köpstein 1990: 140 ff.

constitutions.[8] It is accepted that the oldest, lost collection of 124 novels was used while preparing a compilation now known as the *Epitome Juliani*. It includes Latin translations of laws issued between 535 and 555, and it is attributed to Julianus, a law professor from Constantinople.[9] The basis for publishing the text of Novel XI is a later compilation of 134 constitutions, called the *Authenticum*.[10] It was prepared in Latin and, as the name indicates, it was considered to be the official compilation after it was found. This later turned out to be untrue, and its value as a whole was lowered by the bad quality of the Latin translations of the laws published in Greek. On the other hand, it should be emphasised that this compilation has the advantage of having recorded the unabbreviated texts of the novels, which is important in the case of the laws passed by Justinian in Latin.[11] Novel XI was also included in a summary of 153 novels, attributed to the jurist Athanasios of Emesa, dated to ca. 572.[12] The collection is called *Epitome Athanasi* and includes a summary of the material in Greek translation, ordered according to 22 titles, perhaps under the influence of the Code. The novels, under the individual titles, include the inscription, beginning, main text, subscriptions, and summary.[13]

A critical analysis and literal interpretation of Novel XI

When conducting a critical analysis and literal interpretation of Novel XI, it is worth considering not only the content, layout, and message of both the individual parts and the entirety of the source, but also the unusual briefness of the account, the abbreviations, omissions, and broadly defined formal considerations related to the structure of this document and its language. At the

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8 A summary of collections of novels and their editions: *CIC* III: VI ff.; Noailles 1912: 160 ff.; Steinwenter 1936: 1167 ff.; van der Wal, Lokin 1985: 45; Pieler 1978: 409 ff., 425 ff.; Liebs 2001: 250–251.

9 Iulianus 10, *PLRE IIIa*: 733. Novel XI corresponds to number IX in the *Epitome Juliani*. Publication: Fiorelli, Bartoletti Colombo 1996: 41, no. 45.

10 Van der Wal 1964: 9. At the end of this work (pp. 161–168) there is an index of novels according to the collection. Novel XI corresponds to number XI in the *Authenticum*. The edition of Zachariae Lingenthal (1881: 130–133) is very often used, in which Novel XI has number XIX. Honigmann 1939–1944: 141 ff. drew attention to using valueless editions of Novel XI in studies.

11 Wenger 1953: 669; van der Wal 1964: 9.

12 Noailles 1912: 183 ff.; Liebs 2001: 250–251.

13 Wenger 1953: 672 ff.; van der Wal 1964: 10. The denotation *Athanase* 1, 8 refers to Novel XI; publication: Simon, Troianos 1989: 58.

moment, the starting point for a comprehensive analysis of Novel XI is the text of this law from the critical edition of R. Schoell.[14] As the surviving beginning indicates, the constitution concerns the privileges of the Archbishopric of Justiniana Prima:[15] *De privilegiis Archiepiscopi Primae Iustinianae (1).* Justinian addressed the document to Catellianus, Justiniana Prima's Archbishop, who is not known from other sources:[16] *Idem A. Catelliano viro beatissimo archiepiscopo Primae Iustinianae (2).*

Considering the purpose of the publication of Novel XI, its addressee, and the subject matter it concerns, its text can be divided into five parts.[17]

Part one (3–8)
Multis et variis modis nostram patriam augere cupientes, in qua prima deus praestitit nobis ad hunc mundum quem ipse condidit venire, et circa sacerdotalem censuram eam volumus incrementis ampliare: ut Primae Iustinianae patriae nostrae pro tempore sacrosanctus antistes non solum metropolitanus, sed etiam archiepiscopus fiat, et certae provinciae sub eius sint auctoritate, id est tam ipsa mediterranea Dacia quam Dacia ripensis nec non Mysia prima et Dardania et Praevalitana provincia et secunda Macedonia et pars secundae Pannoniae, quae in Bacensi est civitate.

The fragment is devoted to the establishment of the Archbishopric of Justiniana Prima with its own province, covering an area roughly equivalent to the civil diocese of Dacia, with fragments of Pannonia and Macedonia, inhabited mainly by a Latin-speaking population.[18] Probably in order to avoid disputes concerning jurisdiction, the Emperor specified the scope of the Archbishop's prerogatives, listing his subject Church provinces: Dacia Mediterranea, Dacia Ripensis, Moesia Prima,[19] Dardania, Prevalitana, Macedonia

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[14] The digits in brackets refer to the text of the Novel according to Schoell's edition, *CIC* III: 94. The critical apparatus is under the text. The edition was highly valued by Honigmann 1939–1944: 148; van der Wal 1964: 11.

[15] Van der Wal (1964: 18) includes Novel XI among the laws concerning the Archbishopric of Justiniana Prima and the papacy. In the latter case, it is unclear whether it was a mistake or an assumption, in the light of later decisions revealed in Novel CXXXI, 3, that the passing of this law interfered with the prerogatives of the Bishops of Rome.

[16] Catellianus is the first known Bishop of Justiniana Prima. The Greek versions of his name: Zachariae 1881: 130 fn. 1.

[17] Mihăescu 1970: 376, 378 uses a different division of the text into seven parts, without giving an explanation.

[18] Duchesne 1892: 535; Granić 1925: 126–127.

[19] Many ambiguities regarding interpretation are caused by the assumption that the name of the province 'Mysia Secunda' (Moesia Secunda) appears in the text. This was pointed out e.g. by Granić (1925: 130 fn. 1) and Maksimović (1984: 145). Further commentary: Turlej 2011: 54 fn. 152.

Secunda, and a part of Pannonia with the city of Baccensis.[20] Justinian wrote that the wish to celebrate his birthplace prompted him to honour Justiniana Prima by giving it high ecclesiastical prerogatives.[21] It follows from the account that in the Emperor's mind his decision was justified and based on the argument that it was God himself who chose the place to play an outstanding role, since, presumably, he meant Justinian to hold imperial power.[22] The Emperor's declared intention to honour his place of birth can be considered in accordance with the accepted customs, since other rulers also wanted to elevate the places with which they had various ties.[23] In the case of Justiniana Prima, its uniqueness was emphasised by its very name, distinguishing it from a few dozen other towns named after the Emperor.[24] It should be emphasised that the key aspect of why the centre was actually elevated in status, i.e., the unprecedented scale of its promotion in the structures of the Church administration based solely on state law, was not only not recorded in any way, but not even hinted at in the document.

The Emperor addressed Novel XI to Catellianus, who was given the title of Archbishop of Justiniana Prima, without any reference to the previous situation which would indicate that prior to the publication of the Novel the city of Justiniana Prima had existed in the legal sense or that there had been a bishopric of such a name.[25] On the basis of the text of this constitution it would appear that there are no grounds to suppose that Justinian passed any imperial law concerning the civil status of this centre or its bishopric. What is more, this constitution does not contribute anything to reflections on how far the construction works in the city of Justiniana Prima itself were advanced.[26]

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[20] The province of Pannonia Secunda had only one city of Bassianae given under the jurisdiction of Justiniana Prima, but the centre's subordination was established by submitting the province in which it was located. The history of Bassianae: Tomaschek 1899a: 105; Dušanić 1967: 67–80.

[21] The Emperor's official declaration about the reason for Justiniana Prima's elevation was accepted as a satisfactory explanation for this move: Zeiller 1918: 385; Alivisatos 1973: 61; Bréhier 1948: 538; Jones 1964: 893; Flusin 2004: 125. Stein (1925: 357) additionally thought that the Emperor wished to show that the Ostrogoth occupation of Sirmium was unlawful.

[22] In many of Justinian's laws there are direct references to God. This was a well-known and traditionally commonly used motif in the ideology of imperial power. An overview: Hunger 1964: 49 ff.; Ries 1983: 221 ff.; Haase 1994: 6–7.

[23] 6th-century rulers acted in a similar manner: Claude 1969: 203 ff.; Bavant 1984: 272.

[24] Justinian was very active with respect to naming cities after himself. A list of cities and a summary: Feissel 2004b: 354 ff.

[25] Addressing the law to Catellianus, the Emperor emphasised the independence of the new Archbishopric. This was rightly noted by Granić 1925: 129.

[26] Kazhdan, Djurić, Cutler 1991: 1085 formulate their reasoning in such a way as if they suggested the existence of Justinian's other privileges for this town, but without mentioning

Part two (8–21)

Cum enim in antiquis temporibus Sirmii praefectura fuerat constituta, ibique omne fuerat Illyrici fastigium tam in civilibus quam in episcopalibus causis, postea autem Attilanis temporibus eiusdem locis devastates Apraeemius praefectus praetorio de Sirmitana civitate in Thessalonicam profugus venerat, tunc ipsam praefecturam et sacerdotalis honor secutus est, et Thessalonicensis episcopus non sua auctoritate, set sub umbra praefecturae meruit aliquam praerogativam. Cum igitur in praesenti deo auctore ita nostra respublica aucta est, ut utraque ripa Danubii iam nostris civitatibus frequentaretur, et tam Viminacium quam Recidiva, et Litterata, quae trans Danubium sunt, nostrae iterum dicioni subactae sint, necessarium duximus ipsam gloriosissimam praefecturam, quae in Pannonia fuerat constituta, iuxta Pannoniam in nostra felicissima patria collocare, cum nihil quidem magni distat a Dacia mediterranea secunda Pannonia, multis autem spatiis separatur prima Macedonia a Pannonia secunda. Et quia homines semper bellicis sudoribus inhaerentes non erat utile reipublicae ad primam Macedoniam per tot spatia tantasque difficultates venire, ideo necessarium nobis visum est ipsam praefecturam ad superiores partes trahere, et iuxta eam provinciae constitutae facilius sentiant illius medicinam.

Having announced his wish to establish an ecclesiastical province subject to the archbishop of Justiniana Prima, Justinian starts a surprising story about the Prefecture of Illyricum,[27] stating that it was created in Sirmium in the old times, and the jurisdiction over both the public and Church administration resulted from this fact.[28] This state of affairs, following from the prefect's residence in Sirmium, continued until the prefect Apraeemius fled to

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what kind of documents they could be. The issue of how to interpret in legal terms e.g. the Emperor's actions connected with building new cities or fortification works has not only not been settled in the literature, but it has not even been discussed. Only on the basis of descriptive literary sources on the subject, which do not contain technical terms denoting the publication of the document, can we suspect that a legal act was issued. This problem can be clearly seen in the times of Justinian, e.g. in the light of compilations of laws issued by this ruler, which is particularly important for the interpretation of Procopius' information included in *De aedificiis*. In the case of Justiniana Prima, it is advisable to be cautious when formulating theories about the existence of documents concerning the status of this city in the state and ecclesiastical administration. Other privileges: see Chapter III.

27 In the context of discussing the very complicated history of the state and ecclesiastical administration of Illyricum, this account is usually cited but only generally summarised. Usually, the main findings are recalled: Stein 1925: 357 ff. An analysis in Chapter V.

28 Duchesne (1892: 546) generally rejects the primacy of the bishops of Sirmium in Illyricum Orientale as not based on any sources. Zeiller (1918: 388–389) rightly noted that the status of Sirmium in the ecclesiastical structures was not precisely defined. Stein (1925: 359) outright rejects the credibility of this account for the 5th century.

Thessalonica, after the city had been devastated by the Huns.[29] The collapse of Sirmium occurred at an unspecified time during Attila's rule and this event, according to the Emperor, led to an increased significance of Thessalonica within the ecclesiastical organisation.[30] Justinian states as much directly, saying that the position of the local Archbishop is the result of the prefect's residence in the city.[31] The information about the genesis of the jurisdiction of the Archbishops of Thessalonica over the Church of Illyricum connected with the functioning of a prefecture in this city brings the fragment about the past to a conclusion.

The account of the contemporary times begins with the characteristic phrase *deo auctore* (13), known from Justinian's constitution issued on 15 December 530 to prepare *The Digest*.[32] The Emperor mentions that the state has been expanded as a result of recapturing some cities on the Danube: Viminacium,[33] Recidiva,[34] and Litterata,[35] with the last two located on the northern bank of the river.[36] Unfortunately, due to its laconic and extremely general style, the account is difficult to verify. Not only is it not stated precisely when and from whom the cities were recaptured, but the circumstances in which it happened are not mentioned either. The phrase *in praesenti* (13) in the context of this account, when the previous description refers to events from a century before, may mean 'at present' as in 535 or several years before. We note great restraint in the description of the success, as it is mentioned that only three centres were recaptured, out of which only Viminacium was possibly

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[29] Apraeemius, *PLRE II*: 123. Honigmann (1939–1944: 143) assumes it was a Syrian name.

[30] The year 441 is the assumed date: Maenchen-Helfen 1973: 116 ff. Wars against Attila: Wirth 1999: 59 ff., 75 ff. Stein 1925: 358 doubted the prefect's escape. A different opinion: Alföldi 1926: 96; Mirković 1970: 43; Eadie 1982: 25; Prostko-Prostyński 1994: 218 ff. The situation in the region: Pohl 1980: 239–305.

[31] Duchesne (1892: 546 ff.) cites the account of the novel and identifies completely different roots of Thessalonica's position in the Church organisation. Zeiller (1918: 370–373) points out the significance of the connections of the local bishops with the papacy.

[32] *CIC* II: 1.17.1; Regesten 784. Meier 2003: 104 ff. considered this to be a symbolic representation of the time of Justinian's reign, when the Empire's situation was very favourable.

[33] Viminacium was an important city, the capital of Moesia: Hierocles 657, 2; Mócsy 1970: 145 ff.; Dintchev 1999: 45; Milinković 2006: 396 ff.

[34] Vojnov 1958: 48 fn. 2. Recidiva is probably present-day Arcidava: Barišić 1955: 120. Identification with Sucidava: Patoura-Hatzopoulos 1980: 108.

[35] Vojnov 1958: 48 fn. 3; Jovanović 1996: 69–73. Procop., *De aed.* IV 6, 3 – a commentary: Grotowski 2006: 201 fn. 378.

[36] Ivanov 1981: 31 considers the sphere of Byzantium's influence on the other bank of the Danube to be rather small. An overview of the older literature: Stein 1925: 357 fn.; Frances 1961: 17 ff. Completely different attempts at new findings are appearing, mainly on the basis of archaeology and information about Aquis; see Chapter IV.

known to a wider public while the remaining cities were mere fortresses.[37] The political situation on the Danube in the western part of Illyricum at the time when Novel XI was published was complicated and undoubtedly important from the viewpoint of Constantinople's policy, since the Empire bordered with the Ostrogoth and Gepid states in this area.

Against the background of the story about his contemporary successes, Justinian presents the necessity to transfer the seat of the prefecture to Justiniana Prima. The Emperor reminds the reader that the prefecture was established in Pannonia and his birthplace is located closer to the province of Pannonia Secunda and it is easier to travel to Dacia Mediterranea than to distant Macedonia. On the basis of the ruler's clear statement in a legal act concerning such a personally important place, which he calls his fatherland, it can be assumed that Justiniana Prima was located in the province of Dacia, not Dardania.[38] Dacia Mediterranea was mentioned as the first of the provinces under the jurisdiction of the Archbishop of Justiniana Prima, which also indirectly confirms the location of the Emperor's birthplace.[39] If the Emperor himself, in an official document that used administrative terminology and that mentioned Dacia and Dardania as separate provinces, made such a statement about the location of his country, then a serious, source-based argument would be necessary to conclude that Justiniana Prima was not situated in the province of Dacia Mediterranea. The entire account of moving the prefect's seat to a new place is very detailed and, compared to the other data, which strike us as too laconic, seems almost too wordy. The name of Pannonia was used four times, with the very precise term Pannonia Secunda being used with reference to contemporary times. Justinian probably meant to present the matter of moving the prefect's seat very clearly through giving the impression that his actions were meant to change a situation which was disadvantageous from the viewpoint of the state's interests to a more favourable one, since Justiniana Prima was located closer to Pannonia than Macedonia. Through his actions, the Emperor would restore a situation that in the past had been, according to the account, beneficial to the state. When attempting to recreate the role of Justiniana Prima in the state administration, we must take into account Justinian's intention to transfer the Prefecture of Illyricum to this city from

[37] An overview: Vojnov 1958: 48; Maksimović 1984: 144–145; Prostko-Prostyński 1994: 242; Mirković 1995; 209 ff.

[38] Various analyses based on Procopius or the identification of Justiniana Prima lead to the location appearing in Dardania: Duchesne 1892: 535; Zeiller 1918: 385–386; Waldmüller 1976: 74 ff.; Markus 1979: 289; Kazhdan, Djurić, Cutler 1991: 1085. A overview in Rubin 1960: 81 ff.

[39] An argument raised by Honigmann 1939–1944: 144; Snively 2001: 639 ff.

Thessalonica, described in Novel XI.[40] The phrases *necessarium duximus* (15) and *ideo necessarium nobis visum est* (19) can be read as an expression of the ruler's wish which officials should execute,[41] but they are not a direct order.[42] Therefore, on the basis of reading Novel XI there is no certainty whether the prefect's seat was actually moved.[43] An in-depth and comprehensive analysis of the document is necessary to establish whether Justinian indeed wanted to move the prefect's seat from Thessalonica to Justiniana Prima.[44]

Part three (21–29)

Et ideo tua beatitudo et omnes praefatae Primae Iustinianae sacrosancti antistites archiepiscopi habeant praerogativam et omnem licentiam suam auctoritatem eis impertire et eos ordinare, et in omnibus supradictis provinciis primum honorem, primam dignitatem, summum sacerdotium, summum fastigium: ut a tua sede creentur et te solum archiepiscopum habeant, nulla communione adversus <eos> Thessalonicensi episcopo servanda; sed tu ipse et omnes Primae Iustinianae antistites sint eis iudices et disceptatores: quicquid oriatur inter eos discrimen, ipsi hoc dirimant et finem ei imponant et eos ordinent, neque ad alium quendam eatur, sed suum cognoscant archiepiscopum omnes praedictae provinciae, et eius sentiant creationem, et vel per se vel per suam auctoritatem vel clericos mittendos habeat omnem potestatem omnemque sacerdotalem censuram et creationis licentiam.

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[40] In the more recent literature it is concluded that the move of the prefect's seat did not come into effect: Stein 1949: 396; Lemerle 1981: 180; Dagron 1984: 3 ff.; Maksimović 1984: 147–149; Markus 1979: 291; Kazhdan, Djurić, Cutler 1991: 1085; Curta 2006: 40.

[41] Ulpian's classic statement: *CIC* I: 1.4.1; Kussmaul 1981: 11; Harries 1999: 20. Phrases denoting imperial orders: Classen 1955: 63; *Regesten* 2005: 42. In Justinian's laws numerous other phrases appear, which in the context of a specific statement signify an order, which Honoré (1978: 100 ff.) attributes to Tribonian's inventiveness.

[42] This is how the historians who believed that the prefect's seat was transferred probably read Novel XI: Zeiller 1918: 385; Stein 1925: 359–360, either on paper or temporarily – Vasiliev 1946: 135; Ensslin 1954: 2442; Claude 1969: 227; Velkov 1977: 63; Moorhead 2001: 165.

[43] Maksimović 1984: 147 ff. Granić (1925: 127–128) concluded without an analysis that the wording of the entire fragment about the prefecture was not enough to assume that the prefecture was moved since a separate law ordering the prefect to execute it has not survived.

[44] There is a lack of such an analysis, because the accounts of other sources made it possible to establish that the prefect resided in Thessalonica. This is indicated in the letter of the King of Ostrogoths, Vitiges: *Witiges rex prefecto Thessaloniensi* (Cass., *Variae* X 35) and possibly in later mentions about the prefecture of Illyricum: Lemerle 1954: 267 ff.; Maksimović 1984: 148. This is why Stein (1925: 359–360) concluded that the prefecture was moved to Justiniana Prima only for a very short period, since soon afterwards, in 536, the prefect resided in Thessalonica. Prostko-Prostyński (1994: 218) doubts this, concluding that it may have been the prefect of the city, not the prefect of Illyricum. Bavant (2004: 309) thought that the law did not come into effect with regard to the transfer of the prefect's seat.

This entire paragraph was devoted to the status and prerogatives of the Archbishops of Justiniana Prima.[45]

Part four (29–33)

Sed et in Aquis, quae est provinciae Daciae ripensis, ordinari volumus a tua sanctitate episcopum, ut non in posterum sub Meridiano episcopo sit constituta: sed Meridianus quidem maneat in Meridio, nulla ei communione cum Aquis servanda; Aquensis autem episcopus habeat praefatam civitatem et omnia eius castella et territoria et ecclesias, ut possit Bonosiacorum scelus ex ea civitate et terra repellere vel in orthodoxam fidem transformare.

The Emperor informed the Archbishop of Justiniana Prima about his wish to establish a bishopric in Aquis in Dacia Ripensis,[46] which would be independent of Meridio.[47] The Bishop of Aquis was to fight heretics, followers of Bonosus.[48]

Part five (34–40)[49]

Ut igitur sciat beatitudo tua nostri numinis dispositionem, ideo praesentem legem ad tuam venerabilem sedem transmisimus, ut in perpetuum tale beneficium habeat patriae nostrae ecclesia in dei omnipotentis gloriam et nostri numinis sempiternam recordationem. Quando autem tuae sedis gubernatorem ab hac luce decedere contigerit, pro tempore archiepiscopum eius a venerabili suo concilio metropolitanorum ordinari sancimus, quemadmodum decet archiepiscopum omnibus honoratum in ecclesiis provehi, nulla penitus Thessalonicensi episcopo neque ad hoc communione servanda. Beatitudo igitur tua quae nostra sanxit aeternitas modis omnibus ad effectum perducere non differat.

Dat. XVIII. kal. Mai. <Belisario v. c. cons.> (41)

Paragraph 5 is a separated section of the document, since at the beginning and at the end Justinian addresses the Archbishop, sending him the privilege

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[45] The phrases used here indicate unambiguously that the Archbishop of Justiniana Prima was fully independent. A discussion: Granić 1925: 129 ff.; idem 1937: 402; Döpmann 1987: 227; Turlej 2014: 349.

[46] Aquis is located in the vicinity of present-day Prahov: Janković 1981. The findings on Aquis in Mócsy (1970: 25 ff., 40 ff., 114–115) are impossible to defend. See Chapter IV.

[47] Meridio was probably located in the vicinity of the town of Rimski Grad: Janković 1981: 52, 88. The incorrect identification with Mesembria was criticised by Honigmann 1939–1944: 147 ff. See Chapter IV.

[48] Zeiller 1918: 344 ff.; Schäferdiek 1985: 172 ff.; Mirković 1995: 206.

[49] The date of 14 April: Granić 1925: 126, or 13 April: Zachariae 1881: 131. Also other dates: 26 April: Alivisatos 1973: 61, or generally in May: Grotowski 2006: 177 fn. 307.

and ordering him to execute his will without changes.[50] The Emperor takes this opportunity to define the manner in which Archbishops of Justiniana Prima would be appointed by the council of metropolitan bishops and repeats that this Church is completely independent of the Church of Thessalonica.[51]

Based on a literal interpretation of Novel XI, we can identify the presence of three topics in its text:

1. the establishment of the Archbishopric of Justiniana Prima,
2. the Prefecture of Illyricum,
3. the Bishopric of Aquis.[52]

At first glance, they constitute a logical whole, but only the fragment about the prefecture has a direct connection to the main topic of the novel, devoted to the privileges of Justiniana Prima, while the part about Aquis is connected indirectly. The remarks about the prefecture and Aquis are interwoven into the main, and dominant in terms of length, description of Justiniana Prima, dividing it into three parts. The first one presents the establishment of the Archbishopric and the territory of the province it is given; the second one discusses the Archbishop's prerogatives; and the third one explains how the Archbishop is appointed. Together, these three fragments contain mentions about the establishment and prerogatives of the Archbishopric of Justiniana Prima as a fully independent Church. The problem of the terminology used in the description of the scope of the local Archbishops' ecclesiastical privileges should not obscure or distort the basic principles guiding the Emperor, who created an independent province, which did not fall under the jurisdiction of any other bishop, in the reality of the 530s.

The high position of the Bishop of Justiniana Prima is marked not only by its independence from the jurisdiction of the directly mentioned Archbishop of

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[50] According to Granić 1925: 130 the final provision of the Novel (40), ordering the Archbishop to execute the ruler's will, referred to Justiniana Prima as an already-functioning town in Dardania and to the establishment of the Archbishopric itself only by the Emperor's will, without an agreement with the council. Such different matters seem difficult to combine in one interpretation without considering the legal context. On the other hand, Wenger (1953: 681 fn. 7) noted this phrase (40) and concluded that it was typical of Justinian in the context of his ban on changes and comments in the laws he published.

[51] Granić 1925: 132; Döpmann 1987: 227.

[52] From the point of view of analysing the novel as a whole devoted to the ecclesiastical privileges of Justiniana Prima, the story about Aquis is not particularly significant, but it is very important when examining the authorship and genesis of this law. It was probably included in the privilege because the town was located in the area which belonged to the province of Justiniana Prima and, as a result, there was no need to publish a separate document. Due to its considerable significance for the studies on the historical geography of the region in Late Antiquity, the situation of Aquis requires a separate discussion. See Chapter IV.

Thessalonica, but also by the very title of archbishop[53] and, most importantly, by all the prerogatives with regard to the province subject to his jurisdiction, which are enumerated.[54] In Novel XI, when the legal status of the Bishop of Justiniana Prima is specified, a phrase with a *non… sed* (5) structure is used, which, it seems, leads to an imprecise or erroneous descriptions of his rank and scope of powers. The use of such a phrase probably resulted from the fact that the Emperor wanted to emphasise that the rank of the bishop was higher than a regular metropolitan and from applying legal phrases standard at the time. In the reality of the time, giving a new city such a high ecclesiastical rank was unheard of. Usually the Emperor's decision to grant a city the status of a metropolis also improved its position in the Church organisation, which normally meant that its bishop was taken out from under the jurisdiction of the province metropolitan. The scale of changes introduced in the ecclesiastical organisation by rulers in the period when the structures of the Church administration were being shaped can be described in more detail only on the basis of a few examples discussed during the Council of Chalcedon, while later such changes are noticeable through comparisons of lists of bishops from various periods.[55]

It seems that we can conclude, on the basis of Novel XI, that the Archbishop of Justiniana Prima should by no means be called a metropolitan.[56] The fact that this term appears in Novel XI probably had only technical significance, since

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[53] The title of archbishop as an honorary distinction for bishops of the most important cities appears in the 4th century and in Justinian's times is also used in this context. However, in the texts of the laws published by this ruler, it basically refers only to the most important bishoprics. Reflections on the meaning of the term 'archbishop' at the time: Markus 1979: 277 ff.; Döpmann 1987: 227 ff.; Honigmann 1939–1944: 146–147. A clear introduction to the titulature of bishops depending on the position of their see in the structure of the ecclesiastical administration: Hall 2000: 73; it is a pity that Justiniana Prima is not mentioned. Another problem which makes the Church organisation more difficult to understand consists in adopting models which functioned in the West, where metropolises were identified with archbishoprics: *Atlas of the Christian Church* 1987: 32–33, map of *The Church in the East*, where Justiniana Prima was marked with a symbol denoting metropolises and archbishoprics. The arbitrariness of defining the status of not just this particular one but of bishoprics in this region in general leads to a veritable chaos in accounts about the state of the ecclesiastical administration; e.g. Capizzi 1994: 158.

[54] The entire judicial power executed personally or through appointed clergymen – Granić 1925: 131.

[55] This will be discussed more thoroughly in Chapter IV. The exception to the mentioned rule was the status of Chalcedon, a metropolis without suffragans: Beck 1959: 176 ff.; Chrysos 1969: 269. Registers of the hierarchy of bishoprics (*notitiae episcopatuum*) and their dating: *Notitiae Episcopatuum Ecclesiae Constantinopolitanae* 1981: 3 ff.

[56] Usually, Justiniana Prima is described as a metropolis: Ensslin 1958: 460; Claude 1969: 81; Honoré 1978: 16; Whitby 1988: 114; Whitby 2000b: 717; Saradi 1991: 153. It is also some-

already in the following paragraph, referring to the status of this bishopric, the archbishop's powers are clearly mentioned (21–22).[57] It follows from the terms used throughout the document and from the enumeration of the subordinate provinces that the Bishop of Justiniana Prima was the superior of several metropolitans, while he himself was not the metropolitan of the province in which the city was located, i.e. he did not have directly subordinate suffragans.[58] There are no grounds to assume that when the archbishopric was established an already existing metropolis of the Church province in which Justiniana Prima was situated was degraded to the rank of a regular bishopric.[59] As we have mentioned, at the time there were tendencies to elevate bishoprics as a result of emperors granting cities the rights of civil metropolises, which led to their higher position in the structures of the ecclesiastical organisation. The fact of rulers bestowing honours on cities did not lead to the degradation of existing metropolises or to the division of existing Church provinces, because appropriate legal regulations were adopted.[60] In the case of the elevation of Justiniana Prima, through the enumeration of the Church provinces found in Novel XI, we can see no traces of modifying the administration on the level of the existing provinces, Dacia Mediterranea or Dardania, in order to create for its Bishop a province with suffragan dioceses directly subject to him.

The literature is usually very arbitrary and inadequate with regard to specifying the position of the Bishop of Justiniana Prima or his See in the administrative structures of the Catholic Church. It is particularly important that in case of doubt it is not repeated directly after Novel XI that, since the

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times called the metropolis of Illyricum: Bury 1958: II 309 or of the diocese of Dacia: Lippold, Kirsten 1959: 175.

57 Justiniana Prima was an archbishopric, not a metropolis and archbishopric as in Duchesne 1892: 535; Caspar 1933: 210; Markus 1979: 289; Dagron 1984: 4 fn. 13; Popović 1989–1990: 279; Evans 1996: 97.

58 Justiniana Prima as an autonomous archbishopric with suffragans: Jugie 1925: 2277, with primacy and autonomy: Magi 1972: 121.

59 The identification of Justiniana Prima with Scupi has been a source of misunderstandings. If the location of the town was assumed to be in Dacia Mediterranea, there were hypotheses that Serdica was stripped of the rights of the local metropolis: Zlatarski 1973: 216; Popović 1989–1990: 279.

60 Classic changes of the status of bishoprics were regulated by canons XII and XVII of the Council of Chalcedon: *ACO* II, 1, 2, pp. 160–161 [356]; Documents I: 236, 240; Hefele 1875: 516–517; Herman 1947: 533 ff.; Chrysos 1969: 263–286. Justinian introduced a number of changes in the state administration, both through dividing and combining the existing provinces. As a result, some cities became capitals of provinces and on this basis gained the position of Church metropolises with full rights. On the other hand those cities which stopped being metropolises in the structures of the state administration maintained their old status in the Church organisation: van der Wal 1964: 18 fn. 39.

law was addressed to an archbishop, this settles definitively the question of his title, the status of his See, and the name of his province. In this context there is no need to use other terms, such as 'Exarch'[61] or 'Primate'[62] or to refer to this bishopric as *Obermetropole*.[63] If Justiniana Prima is not referred to as an independent archbishopric,[64] the only equivalent to use to describe its position in the reality of that time is the name 'patriarchate,' although the term did not appear in the novel.[65] In this context it is a complete misinterpretation to treat this Church as autocephalous,[66] because only the status of the Church of Cyprus could be described as such, and the term 'autocephalous archbishop' was the proper name of the superior of that Church and would not be commonly used in Byzantium until the 7th century. From that moment on, the *Notitiae episcopatuum* would distinguish a separate category of autocephalous archbishoprics.[67]

The transformation of the legal status of the Church of Justiniana Prima in 535 brings to mind a clear analogy with the prerogatives of Constantinople, whose Archbishop also had no suffragan dioceses.[68] The most likely hypothesis seems to be that Emperor Justinian decided on the rank of this centre as an archbishopric right away, which means that Justiniana Prima was no one's suffragan diocese at all, which perhaps makes its career as a bishopric even more similar to that of the Empire's capital.[69] To sum up, we can conclude that

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61 The Bishop of Justiniana Prima is called 'Exarch' – on its own or in conjunction with the title of Metropolitan: Honigmann 1939–1944: 146. As *métropolitain supérieur* or a kind of exarch, a superior of the province: Duchesne 1892: 548.

62 Zeiller 1918: 390. As the Metropolitan of Dardania and the Primate of Dacia: Maraval 1998: 398; Roques 2011: 293 fn. 24.

63 Fogt 1982: 220. Similar terms: 'suprametropolitans' in Aubert 1995: 675.

64 Granić 1925: 126 emphasised the independence. On the other hand, for an unknown reason, Flusin (2004: 125) used the phrase 'theoretically independent' to describe the church province subject to Justiniana Prima.

65 In this sense: Sjuzjumov 1967: 155. The term patriarchate: Gahbauer 1996: 85.

66 In the context of e.g. the privileges of Ravenna: Felmy 1980: 2. An equally unfortunate phrase 'autocephalous metropolis' in Martin 19*. Similarly *Quasi-Autonomie*: Beck 1959: 186; Prinzing 1996: 1107.

67 From the legal point of view they were *honoris causa* metropolises, i.e. bishoprics with the powers of metropolitans but without an ecclesiastical province, i.e. without suffragan bishops; Chrysos 1969: 266 fn. 9. Döpmann (1987: 227) noted the incorrectness of using such a term with reference to Justiniana Prima.

68 The entire subject of the Church of Constantinople is discussed by Dagron 1974: 418 ff. Classical studies: Vailhé 1923: 1315 ff.; Janin 1953b: 626 ff.; Beck 1961: 485.

69 This is why it is so important to present the history of the local Church in accordance with the sources, i.e. Novel XI. It may also have been the case of the Bishopric of Constantinople (Karlin-Hayter 1988: 180 fn. 2), whose Bishop was the suffragan of the Metropolitan of Heraclea only formally, but probably was not an actual subordinate: Berger 2005: 463. Ac-

on the basis of Novel XI Justinian created an independent Church with its own province, which did not fall under the jurisdiction of any of the patriarchs and whose position therefore resembled that of Cyprus.[70] The completely unique position of the Archbishopric of Justiniana Prima at the time of its creation was determined by the fact that it was established on the basis of a state law and the catalogue of its prerogatives made its situation among other independent Churches special. The powers of those Churches were regulated by canons and by tradition, which, since the Council of Ephesus in 431, had had the power of ecclesiastical (i.e. canon) rather than state law.

If the subject of our analysis is the inherent significance of Novel XI, we should distinguish in our interpretation between the picture of the situation shown in this source, which was a vision presented by the Emperor at the time of the changes he introduced in the administration of the Church of Illyricum in 535, and the information known from other accounts about the topics mentioned in this constitution with regard to the state and ecclesiastical administration. This is particularly the case of the section on the prefecture, which should not be discredited out of hand, either the entire fragment or individual pieces of information, despite the fact that they are very difficult to verify and assess as reliable, if only due to the lack of chronological references and very general phrasing. Establishing the comprehensive meaning of the remarks about the Prefecture of Illyricum is a good reference point for the interpretation of Novel XI. So far, this has been overlooked, and individual pieces of information were used in the analysis of specific issues, such as:

- the promotion of Justiniana Prima in the ecclesiastical hierarchy,[71]
- the transfer of the prefecture's seat from Thessalonica,[72]

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cording to the information given by Malalas: XIII, 10 (pp. 247, 36–248, 41) and *Chronicon Paschale*: 530, it can be assumed that Constantine the Great probably took the Bishopric of Constantinople out from under the jurisdiction of Heraclea, just like the city was separated from the province of Europe in the sphere of provincial administration. Both sources link Constantine's actions with the later establishment of the urban prefect in Constantinople, which took place in 359; however, this should not undermine their credibility with regard to isolating the new city from the administrative structure – Dvornik 1958: 50 ff.; Dagron 1974: 418–419. Considering all the circumstances connected with Constantine's plans with respect to the new city, this seems very likely: Salamon 1975: 46 ff.

70 Cyprus' situation: Documents I: 172 ff.; Janin 1953a: 791–820; Millar 2006: 137; Flusin 2004: 137.

71 Zeiller 1918: 388; Stein 1925: 357; Markus 1979: 289–290. A more extensive analysis which notes the lack of connection between the establishment of the archbishopric and the move of the prefect's seat to Justiniana Prima: Maksimović 1984: 147 ff.

72 Honigmann (1939–1944: 141) assumed that a separate prefecture was created for the territories given to the Archbishop of Justiniana Prima. Similarly Honig 1950: 39.

- the reconstruction of the history of the Prefecture of Illyricum and Sirmium,[73]
- the description of the situation in Illyricum in 535 and evidence of the Empire's demands to reclaim Sirmium.[74]

The remarks about the prefecture in Novel XI constitute a cohesive and clearly isolated passage in the course of the narration about the ecclesiastical prerogatives of Justiniana Prima, which evidently falls into two parts: the first is devoted to the past, the second to contemporary times. The historical part mentions the ancient origin and the significance of the Prefecture of Illyricum with the seat in Sirmium for the jurisdiction over the local Church. The statement that the rights of the Bishop of Thessalonica stemmed from the fact that the city was the residence of the prefect is the link between the historical reasoning and the account referring to current events, which in turn serve as the context for presenting the plan of moving the prefect's seat from Thessalonica to Justiniana Prima. The purpose of the passage is conspicuous and can be summarised as showing the principle behind holding the authority in Illyricum, in the state and ecclesiastical administration, in the past. According to the ruler, in the case of the ecclesiastical administration the basis was the privileged position of the bishop of the city in which the prefect currently resided. It should be emphasised that in the account of Novel XI, the story about the prefecture is in no way connected to the elevation of Justiniana Prima to the rank of archbishopric and giving it a precisely specified province. It is placed after the part where the Emperor expressed his desire to elevate his native city and, interpreted literally in the context of the entire text of the privilege, it seems to foreshadow another promotion of this centre in accordance with the principle of taking over the jurisdiction over the Church of Illyricum by the bishop of the city in which the prefect currently resides.

The problem of the Emperor's ambiguous treatment of the issue of transferring the prefect's seat to Justiniana Prima takes on special significance only in the light of the overall meaning of the fragment about the prefecture. On the one hand, the ruler's intention is clear, as he sees the need to change the location of the prefect's office; on the other hand, there is no certainty whether the provision which appeared in Novel XI resulted in the prefect's actual move, at least a temporary one, which is important for specifying the scope of the

[73] Popović 1987: 101; 107–108.

[74] Kazhdan (1991: 1906) assumes that ca. 535 Sirmium was in the hands of Byzantium. This was either a temporary incorporation of Sirmium in the Empire in 535 or generally at the beginning of the war against the Goths: Bavant 2004: 308; Bratož 2011: 226 fn. 87. The confusion in the interpretation is compounded by the mention in Hierocles 657, 8.

Archbishopric's jurisdiction. If the prefect did move to Justiniana Prima, then the conclusions from the fragment about the history of the prefecture suggest that the local bishop should have taken over the jurisdiction over the entire Church of Illyricum.

On the basis of a comprehensive analysis of Novel XI, it seems possible to arrive at an unambiguous interpretation of the information concerning the transfer of the prefect's seat, which consists in attempting to read the account through the eyes of the Prefect of Illyricum in the reality of the period on the one hand, and in analysing the Emperor's intention and purpose of publishing this law on the other hand.

It is of fundamental importance that Novel XI was addressed to the Archbishop of Justiniana Prima and not to the Prefect of Illyricum, who probably only received a copy of the law.[75] The Emperor consistently and explicitly presents Archbishop Catellianus as the executor of his wish and addresses only him. If we consider the broader context of the whole privilege and the direct phrasing of the text to express Justinian's wish on ecclesiastical matters – what the Emperor wants, what is supposed to happen, and what he orders – we can conclude that the section about the prefecture and its specific phrases: *necessarium duximus* and *ideo necessarium nobis visum est* were not read by the Prefect of Illyricum as an order to move his office to Justiniana Prima.[76] Having familiarised himself with the content of Novel XI, which not only was not addressed to him, but did not contain any direct order for him, the prefect did not command his office to be transferred, although he could have become convinced that it was only a matter of time before such an order would be given, since the Emperor saw it fit. It is difficult to imagine that the law concerning the move of the prefect's seat would not have been addressed to the prefect in question and would not have contained clear and explicit legal phrases to express the order. The Emperor published Novel XI in order to create the Archbishopric of Justiniana Prima and ordered the local bishop, not

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[75] The Emperor could have published this law in a copy for the prefect as well (e.g. Novel VI was addressed to the Bishop of Constantinople but ended with the phrase *scripta exemplaria* for other mentioned dignitaries, archbishops and prefects: *CIC* III: 35 ff., 47), which would give the issue of executing the order contained in the Novel a different dimension. Lanata 1984: 155 ff. The role of the prefect in the process of drafting and executing the law: Feissel 2004a: 97.

[76] These types of phrases appear very frequently in imperial laws from various periods, mainly in their descriptive parts, where rulers pointed out the need to introduce changes. They could have also meant an order but it depended on their placement. This was also the case of Justinian's laws. In the period of the Early Empire, these phrases were also very popular in the *narratio* of documents: Benner 1975: 30 ff.

the prefect, to execute the order, even though laws concerning ecclesiastical matters published by Justinian were often addressed to the praetorian prefect with the proper jurisdiction. In the case of Novel XI, Justinian clearly did not want to order the prefect to change his seat in this legal document, since then, in accordance with the logic of the reasoning about the significance of the prefecture, Justiniana Prima as a religious centre would automatically have taken the place of Thessalonica. That this was not Justinian's intention is reflected, on the one hand, in the fact that the ecclesiastical province subject to Justiniana Prima is precisely specified, and on the other hand in the fact that the independence of the newly created archbishopric from Thessalonica is consistently emphasised. On the basis of analysing Novel XI, we can presume that the Emperor, in establishing the Archbishopric of Justiniana Prima, did not intend for it to administer entire Illyricum and to degrade the Church of Thessalonica; this, however, leads to the question why this privilege contained information about the history and significance of the local prefecture of praetorium.

In itself, the fragment about the prefecture makes a favourable impression; the reasoning is logical and, with the state in an advantageous situation, the Emperor's intent to restore the status harking back to the past is clearly presented. However, it is worth noting that on the one hand its contents, and on the other hand its full meaning, are surprising when we consider the section about the Archbishopric of Justiniana Prima and the message of the entire document. The fragment about the Prefecture of Illyricum is conspicuously different from the one about the Church of Justiniana Prima, which is characterised by its precise legal phrasing referring to the privileges of the archbishopric, while completely omitting a justification for implementing such fundamental changes in the Church organisation and the historical context. The fragment about the prefecture contains not only parts which are redundant from the point of view of specifying the privileges of Justiniana Prima, but also elements which are missing from the description of ecclesiastical transformations – a justification for the move of the prefecture's seat and a description of the historical context, with ambiguous phrases about the transfer of the prefect's seat. The entire account about the history of the prefecture is set in historical reality and the description of the state of administration contains references to public interests. It should be emphasised that the Emperor autocratically, without giving any argument about the need or necessity to introduce changes in the ecclesiastical organisation due to the state's interests or the good of the Church, without giving a legal justification, even in a descriptive form, built a city without consulting the Church which had jurisdiction over Illyricum and which was hard done by

diminishing its privileges, only mentioning his personal attitude to Justiniana Prima as his fatherland, and established an independent Church province; furthermore, with regard to administrative matters, where his power was unlimited, he created visions, made plans, and thought up a justification for the proper place of the prefect's residence, and this clashes not only with the convention of the account adopted in the privilege, but also with the position and powers of the Emperor as a legislator. Justinian did not have to justify his decisions concerning imperial administration to anyone; it was different in the case of great changes in the administration of the Church, since they were usually in the hands of the council and the Emperor introduced them on the basis of state law.

Established on the basis of a literal analysis, the overall message of the passage on the prefecture in relation to the decisions made by the Emperor in the privilege regarding the organisation of the Church of Illyricum in connection with the establishment of the Archbishopric of Justiniana Prima, taking into account the content, layout, order of presentation of individual issues and relations between them, shows that the ruler's specific decisions are illogical, inconsistent, or even incongruous with what has generally been written about the traditional significance of the institution of prefecture and the Emperor's plans concerning the introduced changes in the Church organisation. At the beginning of the privilege, after declaring his motive for the act, i.e. the wish to honour his place of birth, Justinian announces his order to establish an archbishopric with a precisely specified province. This is followed by information that Thessalonica's prerogatives are related to the prefect's residence in this city, and the Emperor indicates the necessity to transfer this seat to somewhere that would be beneficial from the state's point of view. The ruler's statement contains his own theory that the prefect's residence in a city determined its ecclesiastical rank. Since the Emperor saw the need to move the prefect from Thessalonica to Justiniana Prima, then implementing this idea in accordance with the logic of the entire reasoning, he must have assumed that all ecclesiastical privileges of Thessalonica would be transferred to Justiniana Prima. Why, then, establish a new Church province, dividing Illyricum, when it would have been sufficient to transfer the prefecture which, let us add, would have been beneficial to the state and could have been ordered by the Emperor at any moment? Moving the prefect's seat to Justiniana Prima, in the light of what was written about the role of the prefecture, would have meant either changing the form of the newly-established Church province in Emperor's native city or breaking the discussed principle, which the Emperor seemed to fully agree with, by leaving the privileges to Thessalonica! According to the logic of the reasoning

about the special significance of the prefecture, a city which ceased to be the prefect's seat lost its significance as a Church centre, and ecclesiastical privileges had to be transferred to the current prefect's residence.

Analysing every possible scenario with regard to the Prefect of Illyricum's place of residence in the light of the view that the bishop of its metropolis took over the jurisdiction over the local Church, in the context of the description in Novel XI, leads us to the conclusion that the establishment of the Archbishopric of Justiniana Prima ruled out the possibility of restoring the kind of situation that, according to the Emperor, had existed in Illyricum, rather than being a step towards restoring it. The prefect's residence in Thessalonica was presented by the Emperor as a provisional state which resulted from a disaster: the destruction of Sirmium and the prefect's escape. Justinian saw the need to transfer the prefecture to Justiniana Prima, but this centre was, in turn, presented as a kind of replacement for Sirmium.[77] The Emperor's reasoning contained in Novel XI is quite clear: the location of the prefecture in Sirmium was correct and beneficial to the state. At present, as a result of military successes, the prefect's seat can be moved north, because that is where it should be located, and since it cannot function in Sirmium like it used to, then it is the right thing to place it in Justiniana Prima, which is closer to the old seat than Thessalonica. However, implementing this idea would mean nothing but replacing one provisional state with another, to the evident detriment of Thessalonica. Establishing the Archbishopric of Justiniana Prima and announcing the move of the prefect's seat to this city would destabilise the ecclesiastical organisation in Illyricum, and if we take into account that Justinian believed it would be right to locate the prefecture in Sirmium in the future and only the loss of this city made him consider the candidature of Justiniana Prima, then it would mean that the Emperor would be introducing a state of permanent uncertainty as to the final form of the ecclesiastical organisation. According to the logic of the reasoning contained in Novel XI, only the recapture of Sirmium by Byzantium would restore the past state, and then the chaos in the Church organisation in Illyricum would reach its peak. Regardless of which city the prefect would reside in, i.e. whether in Sirmium, Thessalonica, or Justiniana Prima, there would be problems related either to the degradation of Thessalonica's ecclesiastical status, or to the need for a new solution in order to ensure the Bishop of Sirmium the jurisdiction over the proper province, because the nearest area

[77] The topic of Sirmium in the Novel (as the correct prefect's seat in Justinian's eyes) has been noted: Ensslin 1954: 2442; Mano-Zissi 1972: 687; Döpmann 1987: 225 ff.; Pietri 1984: 49; Mirković 1995: 207.

had been given to Justiniana Prima, and taking over the administration in the area subject to Thessalonica would not seem even theoretically possible for geographical reasons.

It is impossible to find a consistent reading of what the Emperor ordered with regard to the establishment of the ecclesiastical province of Justiniana Prima and of the direct conclusions that follow from the reasoning about the Prefecture of Illyricum, which say that:

- according to an old tradition, the bishop of the city where the prefect resides has the authority over the local Church,
- the prefect's seat rightly used to be located in Sirmium,
- the Emperor sees the need to transfer the prefect's residence to Justiniana Prima.

Even if we assume that Justinian was planning to further expand the jurisdiction of the Church of his native city by moving the prefect's seat there, it certainly should not have been presented in the Novel as something of a replacement for Sirmium, because this would mean introducing another provisional state, coupled with uncertainty as to the future and to the evident detriment of Thessalonica.It is of fundamental importance to establish why the Emperor, creating a separate province for the Archbishopric of Justiniana Prima, thought it advisable to include in Novel XI the information about the principle existing in Illyricum that the jurisdiction over the local Church was held by the bishop of the city in which the prefect resided, since he broke this principle as a result of his decision. This requires a much more in-depth study of the document, using the legal circumstances and historical context as reference points in the analysis.

The text of the law, despite its great significance, is brief; this, however, does not mean anything in itself, as there are no norms or models defining the length of the document and level of its specificity.[78] Along with changes in the Church organisation, which Novel XI introduced, we should also note the legal, political, and religious circumstances and their role in formulating its content. To the contemporaries, some things may have been obvious and mentioning others was either not done or not wanted, both in the case of events and legal circumstances, particularly with regard to the broadly defined basis for elevating the Church of Justiniana Prima and the situation in the region. The document did not mention the fundamental circumstance – the fact that Justinian built the city from the ground up, which gave the Emperor special privileges when establishing its rank in the Church organisation. It

[78] Novels concerning religious and Church matters from this period are usually brief; Novel XI is quoted as an example: Bonini 1978: 176.

is of particular significance that the document consistently emphasises the independence of the new archbishopric only from Thessalonica, while the jurisdictional rights of the Bishops of Rome and Constantinople over Illyricum, known from other accounts, are not mentioned.[79] In the entire privilege, Thessalonica or its bishop are mentioned four times and once indirectly, by referring to Macedonia Prima, where the city was located.[80] In the reality of the period, emphasising the significance of that archbishop may testify to Justinian's great wisdom: he was accomplishing his objective of establishing an independent Church of Justiniana Prima without the need to decide upon or even speak about the sensitive topic of who had the jurisdiction over the Church in Illyricum in the context of the rivalry between the most important sees in the world at the time. From the point of view of implementing the Emperor's objective, this was of no significance, and establishing whether the traditional rights of Rome or Constantinople, revealed by him in the Code and going back to even earlier times, were more important would have led to confusion. The subsequent turn of events proved that the Emperor had been right. It is worth adding that even without the intent to definitively decide who had the ecclesiastical jurisdiction over Illyricum, the papacy may have regarded even the very mention of Constantinople as provocation. On the other hand, the Bishops of Rome were subject to the Ostrogoths and referring to them directly in the novel would have made the topic of elevating Justiniana Prima a political one, on an even international level, and the Emperor clearly wanted to present the issue as an internal one and not directly concerning the sphere of jurisdiction of the great Bishoprics of Rome and Constantinople. Officially, he emphasised personal motives and local conditions, considerably narrowing down the context. At first glance it could be said that there probably were reasons important enough from the point of view of the state's interests for Emperor Justinian to overlook Rome and Constantinople as parties in the matter of elevating the Church of Justiniana Prima and to limit himself to mentioning Thessalonica, the

[79] On the basis of analysing the legal situation, we should include Constantinople, since Justinian's Code contained a law on giving the supreme authority of Illyricum to the Archbishop of Constantinople: *CIC* II: 12 (II: 6) issued by Theodosius II in 421: *CTh*. 16.2.45; Seeck 1919: 344. On the other hand, numerous sources confirm the right of the Bishops of Rome to the jurisdiction over Illyricum. A detailed discussion in Chapter V.

[80] We cannot accept the existence of the Church of Illyricum independent of other bishops, which was under the jurisdiction of the Archbishop of Thessalonica as the highest authority, before 535, as in Friedrich 1891: 788; Honig 1950: 45. On the legal situation of the Archbishopric of Thessalonica see Chapter V.

most important Church centre in the region.[81] It must be noted, however, that in Novel XI the basis for the position of the Archbishops of Thessalonica is their city being the place of residence of the Prefect of Illyricum, while other accounts point out the role of the institution of papal vicariate and the bishops taking over some privileges in the stead of the Bishops of Rome. The significance of Novel XI as an independent source indicating the dominant role of the Archbishop of Thessalonica in the Church of Illyricum consists mainly in the fact that it is a state law, and the earlier known statements of this type issued by rulers had shown the wish to give the jurisdiction over this region to the Archbishop of Constantinople.

Justinian's reference to the past in Novel XI, apart from highlighting the importance of the Archbishops of Thessalonica in the Church of Illyricum, brings original data about Sirmium, which further complicates the interpretation of this source. The general assumption that the information about Sirmium could have had a propaganda purpose in the current situation was based on taking as a reference point, on the one hand, this city's significance in the past, and on the other hand, subsequent events related to the war against the Ostrogoths.[82] In the description of contemporary times contained in Novel XI there is no mention whatsoever of this city, which would have been the only thing to give current political meaning to claims directed against either the Goths or the Gepids, to whom the city belonged after the collapse of the kingdom of Huns. Relying on the text of the source, it is difficult to avoid the impression that for Justinian, Sirmium was an important city because it was the residence of the Prefect of Illyricum at the time when the prefecture was established and the local bishop supposedly had jurisdiction over the Church under the prefect's rule. This was probably the factor which shaped and determined the Emperor's perception of the city. According to Justinian, however, Sirmium had played an important role only until the times of Attila and the idea of moving the seat of the Prefect of Illyricum to Justiniana Prima signified, in the context of the Emperor's reasoning, outright abandonment of the efforts to restore the prefect's residence in this city. Considering the content and logic

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[81] The local motive for making Justiniana Prima independent of Thessalonica seems obvious only on the basis of reading Novel XI. However, when we formulate general conclusions on the basis of all the sources about the jurisdiction over Illyricum and the status of the Archbishopric of Thessalonica in 535, the matter becomes more complicated and therefore precision is necessary. Emphasising the role of the Bishopric of Thessalonica: Alivisatos 1973: 61–62; Mirković 1995: 206; Snively 2001: 640–641. A detailed analysis in Chapter V.

[82] A classic reasoning about the illegality of the occupation of Sirmium and Justinian's claims: Stein 1925: 357 ff.

of the account about the prefecture contained in Novel XI in the context of the decisions about the status of Justiniana Prima, we can assume as certain that at the moment of publishing the law Sirmium did not belong to the Empire. It also seems that it is impossible to say that the constitution formulated any claims for recapturing the city; quite the contrary, the choice of Justiniana Prima for the prefecture clearly emphasised the acceptance of the fact that it was impossible to achieve a complete restitution of the state from the past and install the prefect in Sirmium. This interpretation is supported by the very general wording of the description of Justinian's successes at the beginning of the account about contemporary times. Territorial gains were mentioned, which made it possible to think of moving the prefect's seat further north to Justiniana Prima, but they were not large enough to make it feasible to recapture Sirmium and restore the state and ecclesiastical administration from the times when the Prefecture of Illyricum was established.

A precise interpretation of Novel XI, taking as its starting point the real changes it introduced in the Church organisation in the mid-530s, is of fundamental importance for distinguishing the information that can be considered credible in the sense of their conformity with the actual or legal circumstances from the information which appears in order to strengthen the argumentation or create a background for presenting theses essential from the Emperor's point of view. In the case of this constitution, deepening the analysis as much as possible is a necessary condition which will allow us to stop using isolated fragments of this source to prove various hypotheses.[83] In the light of the overall message of Novel XI, it seems that reaching so far back into the history of the region while using such an imprecise term as 'the Prefecture of Illyricum' within the broadly defined state administration was not Justinian's objective as such and it should not be interpreted literally in the reality of 535, since otherwise we would consequently have to assume that e.g. apart from the prefect's residence nothing had changed since Apraeemius' times, in particular the area under the prefect's administration at the moment of issuing Novel XI. Apart from the Empire's border with the Ostrogoths and the Gepids on the Danube and the fact that Sirmium itself was occupied by them, there is a problem with the succession in the administration of the territory of the old diocese of Pannonia at the least. Using a general slogan that the prefecture had existed continuously from the

[83] How necessary it is to be precise when making an interpretation is clearly illustrated by analyses which do not distinguish what the Emperor actually implemented from what he suggested. This is related to the consistency of the state and ecclesiastical administration at the level of prefecture: Markus 1979: 290.

time it had been established could have meant, in political terms, claiming the right to all Ostrogoth lands outside the diocese of Italy. Thus, the Church province subject to the Archbishop of Thessalonica as the successor of the Bishop of Sirmium should also have had the same territory. It is doubtful whether Justinian had in mind such an aggressive and far-reaching political message against the Ostrogoths and an equally aggressive ecclesiastical one going directly against the papacy's interests, while publishing a law which only to a certain extent modified the ecclesiastical organisation in the Empire and was officially meant to honour his birthplace.[84] The image of the Prefecture of Illyricum's past and the role of Sirmium should not be interpreted literally in the reality of 535, since on the one hand it has an ancillary role to the main topic of granting ecclesiastical privileges to Justiniana Prima, and on the other hand it is constructed and placed in the course of the narration in such a way that it does not directly refer to contemporary times, with the exception of emphasising the source of the rights of the Archbishop of Thessalonica.

To recap the analysis conducted so far, we must conclude that there are only two possible explanations of the problem of interpreting the provisions about the jurisdiction of the Church of Justiniana Prima in the light of the description of the history of the Prefecture of Illyricum in Novel XI: either the content corresponded with the intentions and political objectives of Justinian at the time the law was published, or the text has reached our times in a damaged form.[85] The latter possibility is radical and theoretical enough to hang a question mark over the point of conducting an analysis at all and can only come into consideration when other possibilities of interpretation fail.

The legal aspect of establishing the archbishopric of Justiniana Prima

The establishing of a new Church province subject to the Archbishop of Justiniana Prima by Emperor Justinian has never been the subject of a comprehensive legal analysis. In many cases, the Emperor was accused of unlawfully

[84] Wilkes (1969: 433) believes that establishing the Archbishopric of Justiniana Prima was aimed against Salona's position in the Church. Bratož 2011: 229 also accepts that this event influenced the situation in Western Illyricum.

[85] Honigmann (1939–1944: 141) reflected on gaps in the text of Novel XI but did not interpret its text and message comprehensively.

creating the Archbishopric of Justiniana Prima without any arguments or references to the regulations in force at the time.[86] If the legal situation was taken into account, the elevation of the Church of Justiniana Prima was presented as legal and either canon XVII of the Council of Chalcedon was cited directly or the principle of adjusting the structures of ecclesiastical administration to the state one was mentioned.[87] Citing the canon in the context of the elevation of Justiniana Prima seems justified, since its second part does indeed allow the possibility to adjust the ecclesiastical organisation to the structure created by the ruler in the secular and state administration, if the emperor, as was the case of Justiniana Prima, founded a new city:

> εἰ δέ τις ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθη πόλις ἢ αὖθις καινισθείη, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις καὶ τῶν ἐκκλησιαστικῶν παροικιῶν ἡ τάξις ἀκολουθείτω[88]

At first glance it would seem that since Justinian built Justiniana Prima, in the light of canon XVII he was therefore entitled as an emperor to decide the status of its Church and so he did not need either the agreement or even consultations with the Bishops of Rome and Constantinople, whose jurisdiction was diminished as a result.[89] We should note, however, that in this case the legal situation is considerably more complicated and requires a thorough analysis due to the scale of the promotion of the bishopric and, mainly, the fact of a new ecclesiastical province being established.[90] Creating the Archbishopric of Justiniana Prima on the basis of state law, the Emperor acted according to the principle regulated in canon XVII of Chalcedon, since he built a new city. However, while the regulations existing at the time were not precise enough to specify the scale of the promotion, the canon[91] clearly stated the order of the ruler's actions. After the city had been created, the Emperor decided its rank in the state administration and only then did the modification of the structure of

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[86] Duchesne 1892 – Chapter I; Beck 1959: 186. Mirković 1995: 206 writes about Justinian breaking the law.

[87] Michel 1964: 15; Döpmann 1987: 226; Saradi 1991: 153.15. On the principle of making the civil and ecclesiastical administrations similar in this case: Markus 1979: 290.

[88] *ACO* II 1, 2: 357, 23–24. On the canon see fn. 60.

[89] Döpmann 1987: 227.

[90] Very general reflections did not take into account all the circumstances related even to the scale of the promotion, as if Justiniana Prima were a regular metropolis or an archbishopric treated in the same way as other cities: Saradi 1991: 153 ff.; Michel 1959: 15–16.

[91] In a more in-depth analysis, Döpmann (1987: 226) rightly noted the possibilities that canon XVII gave Justinian; he concluded that there was no need to take Rome's opinion into account, which would be very persuasive if the status of the city was obvious. The entire legal analysis is unconvincing, however; see Chapter I.

the ecclesiastical organisation follow. We can guess that at the time when the bishops approved those regulations during the Council of halcedon they did not anticipate a situation which took place as a result of Emperor Justinian's actions aimed at elevating his native city.

In the case of giving ecclesiastical prerogatives to Justiniana Prima, we can assume as very likely that the Emperor did not follow the procedure included in canon XVII of Chalcedon, since he built a city but at the moment of granting it very high ecclesiastical privileges of an independent archbishopric he had not yet specified its position in the state administration. When discussing the legal aspects of the elevation of this bishopric in the light of the canon, two problems emerge: what should have been the status of the city in the administration in order for its Church to gain full independence and its own province, and what should have been the order of the ruler's actions so that the changes in the ecclesiastical organisation would match the order introduced in the state administration. It follows from the content of Novel XI that Justinian established the Archbishopric of Justiniana Prima but did not specify the position of the city in the state structures. This was an evident and probably deliberate oversight, but deciding the civil rank of a city depended on the Emperor only and he could have amended this at any moment, since he had complete freedom of action when shaping the state administration.

It is only on the basis of analysing the legal circumstances that the section on the history of the Prefecture of Illyricum contained in Novel XI becomes clearer. Its content is of considerable significance from the point of view of analysing the grounds for changes in the ecclesiastical organisation in the light of canon XVII of Chalcedon. As we have mentioned, giving Justiniana Prima a rank as high as an independent archbishopric at the expense of possessions of another Church was not in accordance with practice and went against tradition. Usually, important changes in the ecclesiastical organisation were made during councils, often when both parties were in agreement, while here the Emperor acted in favour of Justiniana Prima without any agreement or even a preliminary arrangement with the head of the Church of Illyricum, which in itself should not be surprising given the complicated situation in the region. In the privilege, he only mentioned the wish to honour his birthplace, which gave his actions a personal dimension and put any possible opponents in an awkward position, since when raising objections in the name of defending their own jurisdictional rights, they had to take into account not only legal considerations but also the personal aspect of this step against the Emperor. However, if we consider that each ruler might have wanted to introduce changes in the ecclesiastical organisation for personal reasons, and over the centuries

council decisions exhibited the bishops' concern for ensuring the continuity of this organisation, we can conclude that it is not a case of Justinian's naivety but a matter of adopting a certain convention. It seems that the Emperor was fully aware how deep the changes in the ecclesiastical organisation introduced by Novel XI were, which is indicated by the fact that the document took into consideration the law in force, but he did attempt to pass them off as 'typical' ones, i.e. ones that had been long introduced by rulers giving cities the rank of metropolis. It is probably in this context that we should read the Emperor's declarations about the intention of moving the prefect's seat to Justiniana Prima. The Emperor elevated the city's Church while leaving the prefect in Thessalonica, but he clearly stated and justified the need to transfer him and, let us add, theoretically he could have ordered this at any given moment. Considering the situation at the time and the Emperor's role in shaping the legal circumstances, we can therefore conclude that Justinian used the possibilities given to him by a very general law, which did not specify how far the ecclesiastical organisation could be modified, and established the Archbishopric of Justiniana Prima even though he had not given the city the right civil rank. The bishop who was hard done by this decision could have protested, but the Emperor was the source of law and the highest judge in the case. In theory, if it had come to a disagreement, he could have passed a law transferring the prefect's seat to Justiniana Prima and claimed that the rank of the city was high enough and the local Church should enjoy independence. In such a situation he would have probably recalled the old custom from Illyricum, which he mentioned in Novel XI, that the Church of Illyricum was subject to the bishop of the city in which the Praetorian Prefect of Illyricum resided.[92]

Novel XI as a document

In order to fully understand Novel XI, which established the Archbishopric of Justiniana Prima, it is also essential to carry out an analysis whose point of reference is not only the legal regulations concerning the elevation of bishoprics to higher ranks by the Emperor, but also the regulations pertaining to the document itself and its preparation in the imperial chancellery.[93] In formal

[92] In the light of the analysis of the situation in the ecclesiastical organisation of Illyricum, he probably could have referred to a document which contained such an argument. An analysis in Chapter V.

[93] Dölger, Karayannopoulos 1968: 71 ff.; Pieler 1978: 407 ff.

terms, Novel XI is a privilege, i.e. an imperial law that is a typical example of a *lex specialis*, concerning only the establishment of the Archbishopric of Justiniana Prima; additionally the Emperor decided to use this opportunity to create the Bishopric of Aquis in the territory under the jurisdiction of the Church of Justiniana Prima.[94] The Emperor himself used the phrase *praesentem legem* (40) in the constitution to describe it, which enables us to classify the document as a *lex*.[95] From the point of view of legal analysis, based on its form the privilege can be interpreted similarly to the other novels published by Emperor Justinian.[96] However, a diplomatic analysis is decisively more thorough and it allows us to reach precise and clear conclusions. The surviving text is incomplete, since the lawyers preparing collections of novels omitted the official fragments of invocation or intitulation which were repeated in every law when writing for their own, private purposes.[97] In Novel XI this abbreviated protocol includes the document's title and the title of the addressee:

De privilegiis Archiepiscopi Primae Iustinianae (1)
Idem A. Catelliano viro beatissimo archiepiscopo Primae Iustinianae (2)

The text proper of the privilege starts with a short introduction (3–5) containing the ruler's declaration of his intent to honour his birthplace by granting its bishop a high legal rank. This fragment may be treated as the *prooimion* and *narratio*.[98] It is directly followed by an account of the establishment of the archbishopric and an ecclesiastical province subject to Justiniana Prima, which constitutes the *dispositio*.[99] The next fragment concerns the Prefecture of Illyricum and it can be described as a *narratio*, which is related to Justiniana Prima due to the message at the end, but in fact it should be a fragment of a law

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[94] Justinian published several privileges of this kind: Lanata 1984: 155.

[95] In Late Antiquity, rulers published various types of legislative documents. A summary: Classen 1955: 2 ff.; Kussmaul 1981: 5 ff.; Dölger, Karayannopoulos 1968: 72 ff.

[96] Analysing the structure of Justinian's novels from the point of view of interpretation made by lawyers, we can usually distinguish: the inscription, introduction, sanction, epilogue, and conclusion: Biener 1824: 21–22; Classen 1955: 54 ff.; Haase 1994: 13. The conclusion includes the date of publication. An overview: Classen 1955: 56. A diplomatic analysis, treating laws as imperial documents, is more precise: Dölger, Karayannopoulos 1968: 72 ff.

[97] Steinwenter 1936: 1166. Honigmann 1939–1944: 143 suspected other gaps in the texts as well.

[98] A discussion of all issues related to the genesis and significance of introductions: Hunger 1964: 19 ff. There are surviving laws of Justinian in which the introduction is either difficult to separate from the *narratio*, or very short, e.g. only one line of text: Pieler 1978: 356; Maas 1986: 24.

[99] Bratož 2011: 225 fn. 86 treated the information on the scope of the Archbishop's jurisdiction as an element of the *prooimion*.

on moving the prefect's seat to Justiniana Prima. It is followed by a *dispositio*, referring directly to the prerogatives of the Archbishop of Justiniana Prima. The next fragment, about Aquis, can be regarded as a *dispositio* due to its content. The next part is a mixture of elements typical of the epilogue and the *dispositio*. It can be described as an epilogue consisting of two elements, in which Justinian addresses the bishop to whom he is sending the document concerning the Church of Justiniana Prima with the order to execute the law, separated by a *dispositio* referring to Justiniana Prima.[100]

The eschatocol contains the following dating clause:

Dat. XVIII. kal. Mai. <Belisario v. c. cons.> (41)

Analysing the structure of Novel XI in formal terms from the diplomatic point of view, we should note the 'original' composition of the material. The *dispositio* is divided into four fragments in total: three are devoted to the prerogatives of the Archbishopric of Justiniana Prima, and one concerns the establishment of the Bishopric of Aquis. The epilogue is also divided by one fragment of the *dispositio*. It is highly likely that Novel XI was prepared in Latin in the chancellery and when it was included in the *Authenticum* collection, distortions or mistakes related to translation seem to have been avoided.[101] It also seems rather unlikely that the composition of the material was changed at that time. While we can try to justify the division of the *dispositio* at the beginning of the document by the fact that the section about the prefecture played a fundamental role in the interpretation of the provision on the possibility of establishing the Archbishopric of Justiniana Prima from the point of view of the Emperor's powers, the other 'anomalies' in the structure are puzzling. The next division of the *dispositio* referring to the status and position of the archbishopric did not follow from the need to include legal regulations. The placement of the fragment on Aquis and the composition of the material towards the end of the document give the impression that the text is unpolished, that is lacks final editing. Considering the subject matter of Novel XI and the Emperor's official assertion that his motive was the wish to honour his birthplace, finding the reason for such a careless preparation of the document is a serious problem. Objective circumstances indicate that it should have been quite the opposite. It is possible, and even highly likely, that

[100] The epilogue set apart in the older, popular editions of the novels was limited to paragraph (40): Beck 1825: 42; Fratres Krigelii 1840: 84.

[101] Some of the novels were originally prepared in Latin. It is thought that there were fourteen of them; a list in: Haase 1994: 12; Schiemann 2000: 1023–1024. Among them was Novel XI: Biener 1824: 17. Steinwenter 1936: 1166; Pieler 1978: 411.

the ruler expressed a personal interest in the matter, keener than in the case of other legal acts. This applies not only to the work at the stage of final editing of the privilege but also at the earlier stages, consisting e.g. in searching for state documents from the region's past or for information on the Emperor's present successes. Regardless of the circumstances connected personally to the ruler and his birthplace, the fact that this was the first imperial law modifying the ecclesiastical organisation to such a considerable extent should have practically forced the officials to be particularly careful. In this context it should be emphasised that in all other respects Novel XI does not stand out among the other laws published by Justinian in terms of the presence of historical topics or the manner of constructing the text by the Emperor, e.g. by invoking God and His actions.[102] The custom of inserting historical accounts expressing admiration and respect for the past in texts of legal acts is known from the legislative activities of the rulers of the Late Empire and Justinian himself.[103]

On the basis of the conducted analysis, it seems that Novel XI should not be used as an example of writing 'bad' law in Late Antiquity (i.e. unclear, carelessly prepared in legal terms), which could be ascribed to the general collapse of jurisprudence and a lack of competence or poor legal skills of the officials who prepared it.[104] In Justinian's times, in the light of the Emperor's legislative activity we cannot say that such a situation existed; therefore we must look for an explanation elsewhere. When we evaluate the novel thoroughly, it is worth considering the Emperor's policy at the time; how the state's interests were perceived in connection with the introduced law; ideological concerns; and broadly defined pragmatism, also of the legal kind.[105] The fragments of Novel XI with strictly legal significance are well-formulated, i.e. they are precise and unambiguous: the status of the Church of Justiniana Prima, the description of its subject province, the powers of the Archbishop or the council of the metropolitans. Some issues from the latter sphere were not regulated at all in those times and generally no need was felt to introduce solutions concerning e.g. the administration of a bishopric after the bishop's death and

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[102] The Emperor justified his power by invoking God's will and these types of phrases appear in some laws. A comprehensive discussion in the context of imperial propaganda: Rubin 1960: 139 ff.; Haase 1994: 7; Maas 1986: 29 ff.

[103] Haase 1994: 7; Maas 1986: 19 ff.; Maas 1992: 39 ff.; Pazdernik 2005: 185 ff. On purely legal matters: Schindler 1966.

[104] This kind of statement, generally worded, appeared in the literature a long time ago: Granić 1925: 131, who attributed it to the collapse of jurisprudence in Late Antiquity (p. 131 fn. 2). However, it is not confirmed by sources from Justinian's times: Wieacker 1955: 58 ff. More on the changes in this period and reasons of the sometimes unclear and imprecise wording of legal acts: Stachura 2010: 42 ff.

[105] Harries 1999: 36 rightly emphasised this.

prior to the appointment of his successor.[106] Considering Justinian's goal and the legal regulations in force at the time, the constitution as a whole should testify to the cleverness and ingenuity of imperial officials, but the manner in which its final version was prepared is disappointing. We know quite a lot about imperial legislative activity in Late Antiquity and although of all the laws those concerning individual matters have been preserved in the worst condition, we can analyse the novel from this angle, referring to provisions regulating the process of drafting laws in Justinian's times.

The preparation of Novel XI as an imperial document

In the Late Empire when a new law needed to be prepared, the *quaestor* (a high court official responsible for legal issues) took care of the legal aspect of the proceedings.[107] Work on a new law could be initiated for various reasons. Usually, a high-ranking official or an interested party, such as a city, put in a request to the Emperor, which may have included a proposal of the required law (a *suggestio*).[108] The *quaestor* did not have his own apparatus of clerks and therefore he worked together with the *magister officiorum*, who was in charge of the imperial chancellery. The *magister* delegated clerks to help the *quaestor*; they were usually men with proper, especially legal and rhetorical, qualifications.[109] The ready draft was presented to the imperial council and the ruler. In this way, the validity of publishing a new law was also verified, by checking if there were similar regulations from an earlier period. From the times of Theodosius II onwards, after being discussed in this way the draft was sent to the Senate and only then, following possible additions to the content, was it given the final stylistic form. The ready text was again read to the Emperor in the presence of the council and then it was usually signed by the ruler.[110] Even

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[106] It is worth noting the criticism of the manner in which the novel was edited in Granić 1925: 132 fn. 2, when he himself admitted that some regulations did not even exist at the time. This analysis (Granić 1925: 131–132) does not prove the charge of incompetence against imperial lawyers.

[107] To oversimplify somewhat, from the times of Constantine the Great the *quaestor* was a high-ranking imperial official responsible for matters related to broadly understood legal and propaganda sphere. Noaillles 1912: 1 ff.; Voss 1982: 25 ff.; Maas 1986: 24.

[108] Honoré 1978: 8 ff.; Voss 1982: 25; Millar 2006: 207 ff.

[109] *Notitia dignitatum* states that the *quaestor* did not have clerks: Voss 1982: 29. In the later period, information was included in Justinian's Novel XXXV: Stachura 2010: 35 fn. 142.

[110] The constitution of Emperor Theodosius II of 446: *CIC* II: 68 (1.14.8). An in-depth discussion of the law: Voss 1982: 27–29; Millar 2006: 202–203; Prostko-Prostyński 2008: 11.

if the role of the Senate was negligible in Justinian's times,[111] following such a procedure guaranteed, at least in theory, that the draft was well-prepared with an active participation of many experts in law and administration or high officials, including the relevant clergymen.

As follows from the above analysis of Novel XI, it is a highly likely assumption that in the case of this constitution this procedure was not followed. It is difficult to assume even theoretically that the text included in the constitution was the subject of a public debate in the Senate and in the imperial council, or of consultations with clerks working on the legal and linguistic aspects of imperial constitutions. The matter concerned the Church and from this perspective either it does not seem that any consultations with its higher circles were conducted, despite the considerable changes that the law introduced. On the one hand, the text mentioned the need to move the seat of the Prefect of Illyricum from Thessalonica to the north, which put the city at risk of losing its position in the state and ecclesiastical administration,[112] and on the other hand all information about Justiniana Prima itself (including the important detail that it was a newly-built town) was omitted. It should be emphasised that the preparation of the law presented an excellent and unique opportunity for Justinian to announce to the world his building achievements, undertaken for the noble reason of wishing to honour his birthplace. In the case of Novel XI, the omissions, imprecise wording, and difficulty with understanding the Emperor's idea of moving the prefect's seat indicate that Justinian's goal was to treat the law instrumentally in order to realise his intention, officially presented as the wish to honour his place of birth by giving it ecclesiastical prerogatives. In the light of the procedures for preparing new laws effective at the time and Justinian's intense legislative activity, which meant that a group of excellent experts not only existed but also were working by the ruler's side, publishing Novel XI in this form leads us to question the truthfulness of the Emperor's declaration that his only objective was to elevate Justiniana Prima.

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[111] In the political sense: Voss 1982: 27 fn. 92 with a reference to Justinian's Novel LXVII of 537. On the other hand, the Senate's role in the legal system increased: Prostko-Prostyński 2008: 157.

[112] Apart from these factors, which were very general and had a direct political significance, we should also note other ones, concerning e.g. large masses of people and officials. The move of the prefecture to Justiniana Prima would have been particularly detrimental to jurists in Thessalonica, who would either have had to move there if they worked in the prefect's offices, or would have had more difficult access to the prefect's court. The loss of its position would also have had a negative impact on the standard of living of the city's population: Claude 1969: 192. Jurists from Thessalonica had lively contacts with Constantinople: Lokin 2001: 109 ff. The situation of the Church of Thessalonica and its reaction: see Chapter VI.

If Justinian had such an intention and was motivated by the high and noble feeling of respect for his fatherland, he should have pursued this objective in a different manner, by getting the Church authorities to cooperate with him. Analysing Novel XI as a law which should have met the proper standards concerning the technique and procedure allows us to arrive at more precise conclusions as to its genesis.

Novel XI was addressed by the Emperor to Catellianus, who became the first Archbishop of Justiniana Prima, but it probably should not be assumed that he had been the initiator of passing this law, in the sense of giving the ruler the idea. The question is not only whether he would have been capable of coming up with and presenting the project (*suggestio*) of creating a new, independent ecclesiastical province and arouse the interest of the ruler. Even if we admit such a possibility, the text of the law would not have mentioned it anyway, since canon XII of the Council of Chalcedon forbid bishops from appealing to the Emperor to divide provinces and create metropolises.[113] It would have been deemed all the more reprehensible to ask the ruler to introduce even more significant changes in the ecclesiastical organisation involving the division of a great Church province, i.e. a patriarchate. What seems decisive is the fact that if Catellianus had been the unofficial initiator and originator of the law, it would have probably been differently (i.e. more neatly) edited, since as an interested party he would have prepared the draft and overseen the work on the law. However, the surviving version of Novel XI is a text which gives an impression of hastily gathered fragments without a final edit. In this context it is worth noting the title of the addressee of Novel XI. The Emperor, addressing the constitution to Catellianus, calls him *viro beatissimo* (2). Listing the prerogatives of the Archbishop of Justiniana Prima, he also uses the title *tua beatitudo* (21; 34; 40), whereas the order to establish the Bishopric of Aquis is accompanied by the phrase *tua sanctitate* (30).[114] The change seems deliberate not only due to the existence of various phrases but also to the large autonomy of the entire section devoted to the establishment of the Bishopric of Aquis in Dacia Ripensis.

To sum up the above analysis, it should be assumed as the most likely that Justinian was personally involved in the preparation of Novel XI, i.e. nobody officially approached the Emperor to publish this constitution and its idea originated either in Justinian's own head or with one of his closest staff. From the point of view of the procedure, it is irrelevant, because in such a case it

[113] Canon XII of Chalcedon: fn. 60.

[114] Jerg (1970: 87) only noted the phrase which the Emperor used to address Catellianus.

was formally accepted that the initiative came from the Emperor,[115] which can be regarded as natural, considering his personal ties to Justiniana Prima. However, from the moment the Emperor expressed his will to honour the local Church with prerogatives, the matter should have been taken over by his officials and, as we have mentioned, during the subsequent stages of their work a completely different law (with respect to the content and argumentation) should have been written, or at least one that was carefully edited.

An analysis of Novel CXXXI

Justinian's Novel CXXXI, *De Ecclesiasticis titulis*, published on 18 March 545, is one of the best-known constitutions of the ruler devoted to broadly defined ecclesiastical matters.[116] It was written in Greek and there are versions in Greek and in Latin surviving in private collections of novels, which means that the text is unlikely to be incomplete in terms of the wording of the legal decisions included in the document.[117] Due to its significance, the constitution was included in Emperor Leo VI's process of codification.[118] From the viewpoint of studies on the ecclesiastical organisation, the Emperor's decisions included in the first four chapters are of paramount importance. In the first chapter, Justinian gave the canons passed during the four ecumenical councils the force of state law.[119] Prior to this point, only council decisions concerning faith were included in imperial constitutions and announced as binding state law; the canons passed by bishops during councils did not have such authority. In chapter two, the Emperor again confirmed the honorary primacy of the Bishops of Rome over the Catholic Church, clearly stating their precedence over Constantinople and declaring that the latter bishop's seat had, in turn, precedence over the others.[120] In chapter three, the Emperor modified the legal status of the Church of Justiniana Prima, accepting Rome's jurisdiction over Justiniana Prima, and referring generally to agreements

[115] The Emperor's initiative: Valentinian III's speech before the Senate of Rome from November 426: *CIC* I: 1.14.3. A discussion: Kussmaul 1981: 12 ff.; Harries 1999: 36 ff.

[116] The text of this novel, apart from the *prooimion* and the epilogue, consists of fifteen chapters. *CIC* III: 654–664. Regesten 1305; Bonini 1985: 142. A comprehensive discussion of the constitution: Gaudemet 2001: 1–12.

[117] Van der Wal 1964: 161 ff., designation of novels according to collections. Problems with understanding the text are not indicated in the literature.

[118] The *Basilika* of Emperor Leo VI – the Scheltema edition: Novel 131 = B.5.3.1–17.

[119] *CIC* III: 654–655. Van der Wal 1964: 14 point 11; Alivisatos 1973: 65; Gaudemet 2001: 5.

[120] *CIC* III: 655. Gaudemet 2001: 5–6.

made with Pope Vigilius.[121] Chapter four was devoted to the rights of the Bishops of Carthage.[122] On the basis of the content of the beginning of Novel CXXXI, it is clear that the Emperor thought it appropriate to give his opinion on the position of the most important bishop's seats of the Christian world, showing his invariable respect for the leading role of the Church of Ancient Rome.[123] There was also a need to address the rights of two other bishoprics occupying a lower position in the hierarchy, which does not seem accidental, since they were within the Emperor's sphere of interest. Until the constitution was published, Justiniana Prima had had a clearly defined position in the Church that was higher than that of Carthage, which was why it occupied a more prominent place. However, it is difficult to say unequivocally whether mentioning the matters concerning both these Churches was in any way connected with the need to regulate the jurisdiction of Rome in the Empire's dominions.

In formal terms, the text devoted to Justiniana Prima in Novel CXXXI (caput III) is a clearly separate section (chapter) of this extensive, multi-topic constitution, which, as a whole, has its own introduction and ending. The entire chapter three can be treated as a *dispositio* referring directly to the privileges of Justiniana Prima, which clearly goes back to the regulations included in Novel XI.

> Τὸν δὲ κατὰ καιρὸν μακαριώτατον ἀρχιεπίσκοπον τῆς Πρώτης Ἰουστινιανῆς τῆς ἡμετέρας πατρίδος ἔχειν ἀεὶ ὑπὸ τὴν οἰκείαν δικαιοδοσίαν τοὺς ἐπισκόπους τῶν ἐπαρχιῶν Dacias mediterraneas καὶ Dacias ripensias, Praevalεως καὶ Dardanias καὶ Μυσίας τῆς ἀνωτέρας καὶ Παννονίας, καὶ παρ᾽ αὐτοῦ τούτους χειροτονεῖσθαι, αὐτὸν δὲ ὑπὸ τῆς οἰκείας συνόδου χειροτονεῖσθαι, καὶ ἐν αὐταῖς ταῖς ὑποκειμέναις αὐτῷ ἐπαρχίαις τὸν τόπον ἐπέχειν αὐτὸν τοῦ ἀποστολικοῦ Ῥώμης θρόνου κατὰ τὰ ὁρισθέντα ἀπὸ τοῦ ἁγίου πάπα Βιγιλίου.

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[121] *CIC* III: 655–656. In his analysis, Gaudemet (2001: 6) omitted Justiniana Prima and discussed the provinces it was given as if they had belonged to Constantinople. This fragment of the article is without value for the analysis of the rights of Justiniana Prima.

[122] *CIC* III: 656. Gaudemet 2001: 6 – a very general statement about the presence of this passage, without even citing any literature. See Chapter V.

[123] It is difficult to determine the precise reasons for Justinian's actions, in particular their direct connection with the military situation in Italy and Illyricum. At the time, serious political and territorial changes were occurring in the areas on the Danube, connected with the negotiations concerning an alliance with the Langobards and with the Empire transferring land to them: Turlej 2007: 220. Granić (1925: 133) writes about a deteriorating situation of the Empire in Italy and about the need to rely on the papacy. Döpmann (1987: 229) additionally mentions purely religious problems, which absorbed the Emperor's attention and may have convinced him to make concessions.

The Latin version of the law is often cited in connection with the status of Justiniana Prima and does not introduce any changes in the matter, aside from emphasising the precedence of Rome:

> *Per tempus autem beatissimum archiepiscopum Primae Iustinianae nostrae patriae habere semper sub sua iurisdictione episcopos provinciarum Daciae mediterranae et Daciae ripensis, Privalis et Dardaniae et Mysiae superioris atque Pannoniae, et ab eo hos ordinari, ipsum vero a prioprio ordinari concilio, et in subiectis sibi provinciis locum obtinere eum sedis apostolicae Romae secundum ea quae definita sunt a sanctissimo papa Vigilio.*

The section of Novel CXXXI which is devoted to Justiniana Prima resembles Novel XI in the Emperor's personal attitude to his native city. In terms of topics, the third chapter clearly mentions three. The first concerns the territorial scope of the jurisdiction of the Archbishop of Justiniana Prima. The second topic concerns the Archbishop's right to appoint bishops in his provinces, while he is appointed by his own synod. The third topic refers to the ecclesiastical rights of the Archbishop in the provinces subject to him. In this last case, it is clearly stated that Rome has precedence and Pope Vigilius has made provisions concerning the Archbishop's rights.[124] What is of fundamental importance for establishing the legal situation of the Church of Justiniana Prima in 545 is the fact that in Novel CXXXI the Emperor does not mention, in any context, the establishment or confirmation of the status of that Archbishopric. Therefore, on the basis of this constitution there are no grounds to question the effectiveness of the legal actions taken by Justinian in Novel XI.[125]

According to the principles of interpreting laws, it should be assumed that *lex posterior derogat legi priori*, with the reference point for an analysis of Novel CXXXI being the privileges granted to Justiniana Prima in Novel XI. Emperor Justinian thought it necessary to enumerate the provinces subject to the Archbishopric of Justiniana Prima, which indicates the importance

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[124] The opinion that this law gave the Archbishop of Justiniana Prima rights similar to Rome remains rare: Martin 1953: 454; Alivisatos 1973: 62; Adamiak 2010: 16. Zachariae 1865: 8 stated exactly the same, saying that this was an opinion expressed by Julian in his collection of novels. This deviates from the correct interpretation commonly accepted by scholars: Granić 1925: 134; Caspar 1933: 211.

[125] Van der Wal (1964: 18 point 38) quoted both novels as concerning the establishment of the Archbishopric of Justiniana Prima, whereas he should have recorded it differently and distinguished between the establishment of this Archbishopric in Novel XI and the change of its legal status in Novel CXXXI, 3.

that he attached to this issue. In comparison to Novel XI, we notice that Macedonia Secunda was omitted,[126] which meant that the jurisdiction of the Church of Justiniana Prima in the south of Illyricum was diminished.[127] There is no information about the reasons for this change, so we can only guess what may have influenced Justinian's decision. We should be very cautious about e.g. the hypothesis that the mentioned province was excluded from Justiniana Prima's jurisdiction in return for the Pope's consent to the functioning of this archbishopric.[128] It seems very likely that Macedonia was excluded due to its location and easier access to Thessalonica, which made it easier for clergymen to deal with official business there.[129] The territorial scope of the Archbishopric of Justiniana Prima was not diminished because it was granted the primacy over Pannonia, which was listed among the other provinces in Novel CXXXI, 3.[130] The use of the term 'Pannonia' is a clear sign that the entirety of the province was according the emperor under the Byzantine rule. The lack of any mention about Sirmium is meaningless in the context of this account, since other metropolises of the province were not mentioned either. However, in the light of the role that this centre supposedly played in the past, it can be regarded as a sure sign of either its rapid collapse or its exaggerated role in the description in Novel XI; the latter possibility seems considerably more likely.

On the basis of Justinian's decision from Novel CXXXI, Justiniana Prima lost its independence within the Catholic Church and was subjugated to the papacy.[131] There are no details of Justinian's agreement with Pope Vigilius, but a comparison with the provisions of Novel XI enables us to determine that the pope had the highest pastoral, judicial, and honorary privileges. Despite the fact that the canons of the four ecumenical councils were given the

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[126] It is not the case of part of the province of Macedonia missing, as Caspar 1933: 211 fn. 2 says, because it follows from Novel XI that entire Macedonia Secunda belonged to Justiniana Prima.

[127] The change of the borders of the province subject to Justiniana Prima is carefully noted, e.g. Zeiller 1918: 38; Stein 1925: 360; Bratož 2011: 225–226. The efforts of the Church of Thessalonica to maintain its independence are not taken into account in the reflections: see Chapter V.

[128] Zachariae (1865: 7 ff.) considered such a hypothesis, which gave rise to this kind of theory.

[129] The administrative history of this province is unknown. In the context of the history of Justiniana Prima it is assumed, for instance, that it was dissolved by being attached to the Macedonia I province: Popović 1989–1990: 279 ff.

[130] There is a problem with determining what was meant by this administrative term in the reality of 545. An overview of the older literature: Stein 1925: 362. I discuss this problem in a different work.

[131] This was noted by Granić: 1925: 134, 136, but he fogged the issue by citing remarks on the vicariate and later data from the times of Gregory the Great. Similarly Döpmann 1987: 228.

force of state law, the organisational status of the Church of Justiniana Prima was unique in the scale of the whole Empire, since separate state regulations specified its territory and the bishop's rights. The latter followed directly from Novel CXXXI and the still effective provisions of Novel XI; they concerned the status of the archbishopric and the jurisdictional rights of the bishops, mentioned in Novel CXXXI. The archbishop was appointed by the synod, which consisted of the metropolitans of his subject provinces, according to Novel XI. The 545 constitution does not specify if the Archbishop of Justiniana Prima at the time was granted the rights of a papal vicar or if he was appointed the exarch of entire Illyricum.[132]

It is of fundamental importance for explaining the principles which governed the functioning of the Archbishopric of Justiniana Prima after 545 to consider the fact that Justinian came to an agreement with Pope Vigilius and made a concession, putting an end to the independence of this archbishopric, but this was probably done directly through the provisions of Novel CXXXI. Therefore, there is no reason to believe that the Emperor and Pope's agreements were to be published in the form of a separate imperial constitution. It seems that Justinian relented on a, seemingly prestigious, matter of the ecclesiastical rank of the city he called his native one, but he did so in a manner which he thought was appropriate. This created a very unhealthy atmosphere, because the Archbishop of Justiniana Prima did not have his own suffragans and in his province he only held those jurisdictional prerogatives which the Pope gave him. He became virtually redundant, since the rights of the metropolitans were specified in canons and tradition, while his own bishopric, consisting of just one town, did not present a great burden in terms of duties, and all the other tasks that he could perform depended on the Pope's decision.

The provisions of Novel CXXXI were a negative turning point for Justiniana Prima, as they meant that the local Church was degraded, while its effect for the papacy was more positive than it would seem, considering they merely lowered the significance of Justinian's native city in the hierarchy of bishoprics, as by this legal act the Emperor indirectly, but very clearly, confirmed the precedence of the Bishops of Rome in the region, which is of monumental significance for reconstructing the general situation in Illyricum.[133] As we have mentioned, what leads to errors and oversimplifica-

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[132] Such phrases appear in the literature without giving any source of origin or reason: Duchesne 1892: 536–537; Granić 1925: 133; Caspar 1933: 211; Döpmann 1987: 228 ff. This was correctly noted by Vogt 1982: 220.

[133] This was correctly emphasised by Granić 1925: 134–135. Caspar's criticism (1933: 211 fn. 3) is unjustified because the rulers of Constantinople did not make direct statements on this matter. An in-depth analysis in Chapter V.

tions in the reconstruction of the legal situation of the Church of Justiniana Prima is disregarding the reflection on the type of sources at the beginning of the analysis. Novels XI and CXXXI are imperial constitutions and there are no grounds whatsoever to treat the provisions concerning the rights of the Church of Justiniana Prima included in Novel XI as an 'imperial plan,' which – due to Rome's objections – was implemented in a changed form as late as in 545, in the shape of Novel CXXXI.[134] We cannot oversimplify the analysis and find a direct causal relation between the novels in question only because they are related in time and subject matter, since from the point of view of the law and the existing sources this is unacceptable. Novel XI was a legal act passed according to the required procedure and it shaped a certain legal order in the ecclesiastical organisation, which was binding until it was modified in 545 by another imperial constitution.

[134] Claude 1969: 82 fn. 451. Likewise, it cannot be said that Novel CXXXI gave the final shape to Novel XI: Vogt 1982: 220, or that it was its confirmation: Naxiadou 2006: 157. Such comments are not appropriate to describe these constitutions.

Chapter III: An analysis of Procopius of Caesarea's account of Justiniana Prima

In order to reconstruct the history of Justiniana Prima, it is fundamentally important to systematise and analyse the existing source information about this city. Undoubtedly the most difficult task is to conduct a more thorough examination of Procopius of Caesarea's account, devoted to the origin and native country of Justinian, included in Book IV of his work *De aedificiis*. This is due to the fact that it is a fragment of an extensive account of Justinian's building activity in Europe, which in turn is part of a book presenting all of his building achievements in the Empire. So far it has been underestimated how useful an analysis of the information on Justiniana Prima can be for becoming more acquainted with Procopius' technique and methods of work. It should be emphasised that in this case we have a completely unique opportunity to confront his account with the data recorded in the legal acts regarding matters personally close to Emperor Justinian. Establishing the Emperor's attitude to Procopius and his work is, after all, certainly very important for understanding the circumstances of writing and the credibility of *De aedificiis*, and the description of Justiniana Prima provides an opportunity to supplement general observations about this account with direct references to other sources.

At the moment, there exists neither a historical analysis of *De aedificiis* nor a relatively comprehensive description of this work which would take into account the findings of the studies carried out so far.[1] Usually, when using fragments of this very long book in various publications, historians do not

[1] We should make a clear distinction between comprehensive analyses of the work and studies on various specific issues. The latter are numerous, and the progress of the discussion on the dating and credibility of the data recorded by Procopius in every aspect means that the need for a historical analysis, which would enable us to establish its message and genesis, is underestimated. A breakdown and overview of the older literature: Dahn 1865: 462; Rubin 1954: 3 ff. Most recent works: Greatrex 1994: 101 ff.; Evans 1996: 301 ff.; Greatrex 2003: 45 ff.; Roques 2011: 8–10, 21–25; Greatrex 2013. I discuss the entire subject matter of a historical analysis of *De aedificiis* elsewhere.

pay attention to the work itself and instead settle for referring to the main literature on the subject. The latter, however, does not provide an analysis of *De aedificiis*, but only brief descriptions, since its main interest are essential issues which make it possible to provide a comprehensive characteristics of Procopius' diverse writings, and so his individual works are presented from this perspective.[2]

Due to the fact that historical studies are behind time, when analysing individual fragments of *De aedificiis* it seems necessary to take into account, as far as possible, the significance of these partial findings for the comprehensive characteristics of the work. The version which has survived in manuscripts consists of six books. In the introduction to Book I, Procopius writes directly that the subject of his description will be Justinian's building activity (I 1, 12; I 1, 17).[3] True to this declaration, he successively presents various edifices constructed by the ruler in different parts of the Empire, starting from Constantinople (Book I), then Syria (Book II), Armenia (Book III), Europe (Book IV), Asia (Book V), and Africa (Book VI). The most general summary of the subject matter discussed in *De aedificiis* is the statement that in Books I and V the author focuses his attention on religious buildings, whereas in the remaining books he concentrates on structures connected with the military sphere which served as defence against the barbarians.[4]

Considering the content, layout, and language of the account, considerable differences can be noted between the individual books within the work, which do not seem accidental.[5] Book I, in which the meticulous, thorough description includes phrases which indicate that the text was meant for public

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[2] Krumbacher 1897: 230 ff.; Moravcsik 1983: 489 ff.; Hunger 1978: 291 ff.; Cataudella 2003: 391 ff. The work of Cameron (1985) is peculiar and on its basis it is difficult to form an opinion on the state of the research and the need for a historical analysis; similarly the works of Kaldellis 2004 and Treadgold 2007. The lengthy work of D. Roques 2011 will be a good reference point for further analysis, especially because of the commentary.

[3] Very erudite works usually concern everything, not only an analysis of Procopius' specific statements in the context in which they are found. Their message against the background of the other works and the historical context is taken into account: Rubin 1954: 297 ff.; Rubin 1960: 174–175; Cameron 1985: 9 ff. Close attention is paid to the formal aspect and language, due to similarities to Late Ancient panegyrics: Cameron 1985: 84 ff.; Whitby (1) 2000: 45 ff.; Kaldellis 2004: 50 ff.

[4] A precise overview of the content of individual books: Rubin 1954: 300 ff. A different convention of presenting material, according to thematic or geographic criteria: Cameron 1985: 84 ff., a summary on p. 297. A more synthetic presentation of the content of the work: Roques 2000: 31 ff.

[5] It seems to be connected to the genesis of the work. So far, only Downey (1947: 171 ff.) attempted to conduct an analysis from this angle. As a whole, the results of these studies disappoint with their lack of precision and consistency. I discuss this elsewhere – fn. 1.

presentation, clearly differs from the other books.[6] It was probably included in *De aedificiis* later, as its first part. Book V, on the other hand, was split, as a result of which Book VI was created. This can be gleaned from the fact that the latter does not have an introduction and is shorter than the other ones, while its content refers back to the preview included in the introduction to Book V (V 1, 3).[7] Without doubt, out of all the books that constitute this work, Book IV stands out the most; it has a separate preface and it is the longest.[8] However, it lacks an ending, and its two long lists of fortresses (IV 4, 3; IV 11, 20) create a false impression that it was poorly planned,[9] whereas in terms of literary quality it does not seem inferior to the other ones. In the light of the author's statement in the introduction that he would present Emperor Justinian's building achievements, it is presumed that *De aedificiis* was not finished, because it lacks a description devoted to Italy.[10] Such an assumption does not seem convincing, especially when Procopius' premature death is cited as the reason why his work was interrupted.[11]

Differences in the content of the most important manuscripts of the work, V and A, further exacerbate problems with its interpretation.[12] Manuscript V contains a longer version of the text than A, and an analysis of the differences

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6 The fundamental theory explaining the unique character of Book I: Downey 1953: 719 ff. It seems that these findings are commonly if not accepted than at least noted: Rubin 1954: 299; Cameron 1985: 84; Perrin-Henry 1981; Whitby (1) 2000: 45.

7 Downey 1947: 172. Veh (1953: 12–13) suspected that, because of its content, it may have been written later than Books II–IV.

8 Calculations of the length of the text: Downey 1947: 172.

9 Cameron 1985: 94 ff., similarly Poulter 2007: 9. Opinions concerning this book are exaggerated and, most importantly, are not consistent with the results of analysing its content. This is partly proved by Perrin-Henry 1981: 94 ff. This work is always cited, but her findings are not. General conclusions about the entire work are the starting point for her analysis: Downey 1947: 172 ff.; Downey 1953: 722, but she formulates different opinions about the reason for the discrepancies in the content of the manuscripts. It is especially worth noting the autonomy and complicated structure of Book IV, due to the preface and connections to the content of Book I.

10 Downey 1947: 172, 176; Perrin-Henry 1981: 94 ff.; Rubin 1954: 299; Cameron 1985: 85. Whitby (1985: 145) notes that Justinian did not build much in Italy, which means there are no objective reasons to include it.

11 Greatrex 2003: 46. Similarly, with a late dating, Evans 1972: 16. Emphasis on this aspect dominates virtually the entire – thorough, let us add – analysis of the genesis of the work in Howard-Johnston 2000: 21.

12 Manuscripts: V – cod. Vaticanus gr. 1065 from the 13th century and A – cod. Ambrosianus gr. 182 probably from the 14th century. Downey 1947: 176 fn. 6; Flusin 2000: 10–11 uses manuscript designations after Haury and presents the current state of research on the tradition of handwritten manuscripts of *De aedificiis*.

in the content leads us to the conclusion that they may not be accidental.[13] The most likely inference seems to be that when the work had already been disseminated, the basic text, represented by manuscript A, was supplemented by Procopius himself, which led to the introduction of the version contained in manuscript V into circulation.[14]

The description of *De aedificiis* as a panegyric has long been accepted. Undoubtedly, the wish to emphasise the outstanding role and achievements of the ruler dominates the whole account and gives it a clearly panegyrical overtone, but in terms of form, the work is a veritable patchwork of literary genres.[15] Therefore, we should not be guided in our examination by the necessity to search for a universal method of interpreting this very extensive work, analysing it only from the viewpoint of one genre.[16] There has also been a long discussion about Justinian's role in the creation of *De aedificiis*, since on the basis of the content there are no grounds to definitively conclude whether the Emperor outright commissioned and paid for this work, or whether he inspired its creation by giving, promising, or suggesting some benefits to the author in return. The fact remains that not only are there no clear clues in the author's account as to whether the ruler commissioned the work, but there even are no indications that the Emperor was aware of its creation, which is why it is so crucial to specify on the basis of what grounds statements about its genesis are made.[17] From the perspective of verifying the assumption about Justinian's possible involvement in the creation of *De aedificiis*, the significance of analysing the information about Justiniana Prima cannot be overestimated. In both novels concerning the status of the local Church, the Emperor uses the phrase 'our fatherland' to refer to it, revealing how close it was to him.

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[13] A discussion of these differences: Downey 1947: 177–180. This is referred to by Perrin-Henry (1981: 94), who focused on Book IV. Flusin (2000: 14 ff.) objects to Downey's conclusions, which are fully supported by Montinaro 2012: 90–104.

[14] Downey 1947: 179. It seems to be the most likely explanation. The interpretation of the differences between the manuscripts should be treated as a separate problem, but this is of significance only after the analysis of the entire work is completed.

[15] This has been rightly emphasised recently: Cameron 1985: 86; Whitby (1) 2000: 45 ff.; Webb 2000: 67; Elsner 2007: 35.

[16] Krumbacher 1897: 232; Hunger 1978: 294; Cameron 1985: 8 ff. Cameron 1986: 53 ff. Kaldellis 2004: 3 ff. strongly opposed such a one-sided approach.

[17] The discussion on this subject is characterised by great exaggeration, without analysing the work. There is little information to confirm that it was commissioned by the Emperor, which is rightly noted by Cameron 1985: 191 fn. 23. Kaldellis 2004: 51 disagrees. The latter opinion seems to be decisively more popular: Downey 1947: 181; Evans 1972: 15; Irmscher 1977: 225; Irmscher 1998: 8.

It is unknown when *De aedificiis* was written, which is a major obstacle for formulating precise conclusions on the basis of the information contained in the work. In previously published analyses, the dating to ca. 554–555, 559–560 or 561 is proposed, usually on the basis of examining several descriptions which refer to events known from other sources.[18] Consequently, such results are easily questioned and replaced with other, equally likely ones. Such a research approach does not seem convincing, as it does not pay sufficient attention to the significance of the message of the entire work and to the analysis of the historical context.[19] It seems that on the basis of a historical analysis of *De aedificiis* the most likely hypothesis is that the work in the preserved form should be treated as hastily finished and should be dated to 562. In the light of studies on all the works by Procopius, there are no grounds to believe it to be his last one and to connect it in any way with his death.[20]

The description devoted to Emperor Justinian's native country was placed by Procopius at the beginning of Book IV of *De aedificiis*, concerning the Emperor's building activity in Europe, i.e. in the Empire's domains in the Balkans, including Illyricum and Thrace.[21] It was placed in the narrative right after the *prooimion*, which clearly reflects how significant presenting this subject was to Procopius.[22] The multi-topic preamble (IV 1, 1–IV 1, 14), apart from containing a purely rhetorical exposition, highlighted Justinian's special

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[18] Whitby 1985: 146 supported the dating to 560/561. The dating and its general justification: Whitby 1985: 129 ff.; Greatrex 2003: 45 ff.; Greatrex 2013: 13–27. The later dating: Haury 1890: 30; Downey 1947: 181; Ivanov 1983: 27; Belke 2000: 119; Roques 2011: 52–59. Generally, as Procopius' last work: Perrin-Henry 1981: 93–94; Elsner 2007: 34.

[19] Remarks on the general situation made by Downey 1947: 181–183 and Whitby 1985: 146–147 can hardly be regarded as sufficient.

[20] The dating of Procopius' works is not based on a comprehensive analysis of his texts, although it has long been known that such an analysis is needed and should play a key role: Dahn 1865: 33. Preliminary remarks on this topic: Turlej 2010: 717.

[21] The term 'Europe' has three meanings in Procopius. It is the name of the continent, of the Empire's domains in the Balkans within the borders of the large administrative units of Illyricum and Thrace, and of the province of Europe which is part of Thrace. On this subject, with literature: Tinnefeld 2001: 19 ff.; Külzer 2008: 61 ff. The statement that in Book IV Procopius writes about the building works in the Balkans, without going into specifics, is a significant mental shortcut: Rubin 1954: 308; Hunger 1978: 295.

[22] Book IV of *De aedificiis* has been the basis of many thorough analyses. Generally, it can be said that issues related to the importance of this source as a whole and the method of historical studies as such have been neglected or treated instrumentally. A merely cursory mention of the work and its dating: Beševliev 1970: 1; Velkov 1977: 13, 48. Ivanov (1983: 27–28) at least discussed the basic problems against the general background of Procopius' works. Curta 2001: 145 ff. chose a different, more comprehensive manner of presenting this work due to the conducted studies. Therefore, the previous analyses of Book IV (e.g. Beševliev 1970: 63; Perrin-Henry 1981: 94 ff.; Adshead 1990: 113 ff.) do not exhaust all

dedication to and achievements in fortifying Europe against invasions by the barbarians inhabiting the other side of the Danube.[23] They were reportedly particularly dangerous because they carried out invasions without regard for any principles or agreements in their relations with the Empire. The last part of the *prooimion* contains a short characterisation of the geography of the region (IV 1, 11–IV 1, 12). The section ends with another assertion that Justinian fortified the area properly in order to protect it against the barbarians (IV 1, 13–IV 1, 14).[24]

Following this introduction, Procopius remarks that he should begin his account with a place that is special because it is the Emperor's native land: Ἀλλά μοι ἀπὸ τῆς τοῦ βασιλέως ἀρκτέον πατρίδος, (IV 1, 15).[25] From this point on, he focuses on the subject matter which is directly related to the Emperor's origin, the construction of a city to honour his birthplace, and other building works undertaken in connection with, as we can infer from the context, the ruler's interest in this area.[26] While it is easy to pinpoint the beginning of the account devoted to Justinian's native land, it is more difficult to identify its end, which is of simply fundamental importance for the interpretation of the denotations of the ethnic and geographical terms appearing in the description. Considering the discussed subject matter, according to the declaration that it would concern the Emperor's native land, the moment Procopius moves on to a general characteristics of the defence system on the Danube meant

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possible interpretations, mainly as a result of their limited nature. Similarly, the remarks of Cameron 1985: 86, 219. Commentary: Roques 2011: 247–354.

23 The numbers in brackets refer to fragments of the text of *De aedificiis* in the Haury, Wirth edition.

24 Perrin-Henry 1981: 95. Veh (1953: 34 fn. 6) considers only the text of IV 1, 1–IV 1, 10 to be the preamble. Rubin 1954: 308 seems to have a similar opinion. Such imprecise statements lead to many misunderstandings and require a separate discussion in the context of a comprehensive analysis of the work.

25 There are no grounds to assume that Procopius begins his description with Justiniana Prima, i.e. the province of Dardania, and then moves on to the province of Dacia Mediterranea. It is also evident from the account that what led to its elevation was this area's ties to the ruler. On the other hand, it is unclear why Beševliev (1967: 268; Beševliev 1970: 63) so consistently doubts this and assumes that Justiniana Prima was the prefect's seat, which is what made it so important. Curta 2001: 152 fn. 57 interprets this section similarly, according to provinces.

26 Comments on the fragment about Justinian's native land: Barišić 1955: 54 ff.; Dečev 1958: 156; Roques 2011: 291–295. Rubin (1954: 308) decidedly underestimated this account and the topic of Justiniana Prima in general, reducing it to a supplement to the commentary on a fragment of *Anekdota* about the Emperor's origin: Rubin 1954: 260. Not so much an attempt as a suggestion that there is a need for a comprehensive analysis of the information about Justiniana Prima against the background of the content of the work: Grabar 1948: 50 ff. Similarly in the context of the situation of Illyricum: Maksimović 1984: 149 ff.

for protecting Europe against the barbarians, i.e. beginning with the phrase: πρόβολον δὲ ἰσχυρότατον αὐτῶν τε καὶ πάσης Εὐρώπης Ἴστρον ποταμὸν ποιεῖσθαι ἐθέλων, (IV 1, 33), it should be assumed that he has just finished his account of Justinian's fatherland. From this moment onwards, the narration does not display any, not even indirect, connection either to the Emperor's origin or to the exceptional importance of his native country. If we think back to the topics addressed at the beginning of the book, in the *prooimion*, it is clear that Procopius in a way returns to more general reflections on the steps taken by Justinian in order to protect the European population against the barbarians who would manage to break through the fortifications and past the forces manning them right on the Danube.

On the whole, Procopius' thematically separate account of 'the Emperor's native land' (IV 1, 15–IV 1, 32) contains quite varied material. When we consider the scope of the given data and their relation to 'the ruler's native land,' we will notice that the fragment breaks down into a general introduction (IV 1, 15–IV 1, 16) and two paragraphs: IV 1, 17–IV 1, 28 and IV 1, 28–IV 1, 32, which begin with similar phrases about the Dardanians. In the introduction to his account of Justinian's native land, Procopius writes in general terms about the exceptional significance of the Emperor's country, which must for this reason be given first rank (IV 1, 15–IV 1, 16):

> Ἀλλά μοι ἀπὸ τῆς τοῦ βασιλέως ἀρκτέον πατρίδος, ἥ πασῶν μάλιστα τά τε πρωτεῖα ἐν πᾶσι τοῖς ἄλλοις καὶ τοῦδε τὰς ἀπαρχὰς τοῦ λόγου δοτέον. αὐτῇ γὰρ ἂν μόνῃ ὀγκοῦσθαί τε καὶ διαθρύπτεσθαι καὶ ἀποσεμνύνεσθαι πρέποι βασιλέα Ῥωμαίοις θρεψαμένῃ τε καὶ παρασχομένῃ τοιοῦτον, οὗ δὴ τὰ ἔργα καὶ λόγῳ εἰπεῖν καὶ γραφῇ παρακαταθέσθαι ἀμήχανον.

Such phrases, appearing at the beginning of descriptions, serve to emphasise the significance of what follows and give another opportunity to highlight the ruler's accomplishments. Choosing this fashion of presenting the material indicates not an accidental but a clearly thought-out composition. Following the introduction, the first paragraph of the account of Justinian's origin is directly related to the Emperor's birthplace and the construction of a city to honour it. This subject is returned to through the information about rebuilding Bederiana, in a way 'attached' after the description of Justiniana Prima, which is why it should be regarded as part of the first paragraph (IV 1, 17–IV 1, 28). The second paragraph, in turn, contains a report about Justinian's further building works and honouring other cities by naming them after the Emperor and his uncle, and about other construction works, this time, it follows from the account, carried out in the Emperor's broadly defined native land (IV 1,

28–IV 1, 32). It should be emphasised that Procopius in no way indicates that he is about to change the subject; he merely gives additional data, beginning with the same phrase as earlier: Ἐν Δαρδάνοις (IV 1, 17) and ἦν δέ τις ἐν Δαρδάνοις (IV 1, 28). The ruler's native country is the land of the Dardanians; the fatherland that, we should add, Justinian himself hardly ever mentioned in his laws despite so many opportunities.

A critical analysis allows us to carry out a much more detailed examination. The first paragraph of the description of the Emperor's native country clearly breaks down into three parts according to the subject matter. The first one contains unique data about the Emperor's origin and his place of birth (IV 1, 17–IV 1, 18):

> Ἐν Δαρδάνοις που τοῖς Εὐρωπαίοις, οἳ δὴ μετὰ τοὺς Ἐπιδαμνίων ὅρους ᾤκηνται, τοῦ φρουρίου ἄγχιστα, ὅπερ Βεδερίανα ἐπικαλεῖται, χωρίον Ταυρίσιον ὄνομα ἦν, ἔνθεν Ἰουστινιανὸς βασιλεὺς ὁ τῆς οἰκουμένης οἰκιστὴς ὥρμηται. τοῦτο μὲν οὖν τὸ χωρίον ἐν βραχεῖ τειχισάμενος κατὰ τὸ τετράγωνον σχῆμα καὶ γωνίᾳ ἑκάστῃ πύργον ἐνθέμενος Τετραπυργίαν εἶναί τε καὶ καλεῖσθαι πεποίηκε.

According to Procopius, Justinian was born in the vicinity of Tauresion,[27] close to the fortress of Bederiana,[28] among the European Dardanians.[29] The latter lived beyond the borders of the Epidamnians;[30] this means that the starting point for presenting where the Dardanians lived was the introduction of their neighbours who lived in the west, on the coastline of the Balkan Peninsula. This manner of starting the description, by means of mentioning the Epidamnians, enabled the author to follow the principle of presenting the material starting from the west, as was the tradition of ancient geographers. This approach made it possible to combine the importance of the information related to the Emperor with the literary convention.[31] In his account, Procopius

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[27] Fluss (1934: 14) locates this place near Scupi in Moesia Superior, even without mentioning its connection with Justinian. Barišić 1955: 55 fn. 117 and 118 analyses the entire discussion about Tauresion. Ćurčić 2010: 180; Roques 2011: 292 fn. 18.

[28] Tomaschek 1899b: 184. A linguistic analysis of this toponym: Honigmann 1939–1944: 143 fn. 3.

[29] Patsch 1900b: 2155–2157. Such an interpretation is important, because in mythology, the most popular legend was of Dardanos, son of Zeus, reigning in Troas, on the coast of Asia Minor. The mention of Europe enables the reader to go back to Homer and Virgil and evokes associations with the Trojan War.

[30] Epidamnos is the pre-Roman name of Dyrrhachion. Hierocles (653, 1) mentions it, but there is a problem with spelling and whether he distinguished it from Doclea: 656, 6 (p. 21). Antonetti 2007: 89–111; Wilkes 2013: 750.

[31] The geographic criterion: Perrin-Henry 1981: 96. The entire layout of the material in the work is discussed by Beševliev 1967: 269; Beševliev 1970: 67 ff. However, the method

on the one hand specifies that he means the European Dardanians, and on the other hand mentions the Epidamnians, which evidently shows that he is going to write about peoples. With this formula of presenting the material, there are no grounds to read the names as in any way connected with the structure of the administration at the time. A direct association of the Dardanians with Dardania out of the context of this text is unacceptable, and this is not only a mental shortcut or oversimplification, but also an inconsistent interpretation, because a province whose name would refer to the inhabitants of the city of Epidamnos was never established under the Roman rule.[32] We should not correct Procopius, who is evidently writing about tribes, and the phrase referring to the Dardanians determines the reading and interpretation of the following phrases referring to the area where this tribe reportedly lived.[33] The author thus decided to present the ruler as a Dardanian[34] and therefore there is absolutely no reason or grounds to assume that Emperor Justinian was born in the province of Dardania, i.e. that Tauresion and Bederiana were located within the administrative boundaries of Dardania, either in

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which he adopts in his interpretation is regarded as an administrative criterion: Dagron 1984: 8–9.

[32] Beševliev (1970: 67–68) pays attention to the presentation of Justinian's buildings in the work according to province and connects the mention about the Epidamnians, opening Book IV of *De aedificiis*, with the descriptions of fortifications in individual provinces, which begin with Epirus (IV 1, 35). He concludes that the country of the Epidamnians is a synonym for the province of New Epirus, and the applied term derives from the inhabitants of the capital of the province. He attaches the significance of Epidamnos itself to its role on the Via Egnatia, to the arrival of Belisarius to this port while waiting for reinforcements during his second stay in Italy (Procop., *De bell.* VII 13, 9), and finally he considers it likely that Procopius himself may have visited the city. The associations with Epirus are rather weak and do not follow directly from reading the text, especially since Beševliev (1970: 67) was fully aware of how Procopius begins his presentation, i.e. with a description of the Dardanian and Epidamnian tribes. However, in his interpretation he identified the latter with the Epirotes, probably wishing to create a cohesive interpretation according to the administrative criterion, which distorted his reading of Procopius' account.

[33] If the text does not contain the term Dardania, and the main topic is expanded further in the narrative, then there are no grounds to assume, on the basis of the Greek author's text, that Justinian came from the province of Dardania; an interpretation should be made in accordance with what the author wanted to demonstrate. It is difficult to explain why authors of comprehensive works continue to write generally about Justiniana Prima's location in the province of Dardania, despite being fully aware that the source text talks about the Dardanians: Vasiliev 1950: 48, 51, 54 fn. 28; Beševliev 1970: 63; Ivanov 1984: 42; Roques 2000: 34 fn. 21.

[34] The Dardanians are evidently meant, whether we call them a people or a tribe: Honigmann 1939–1944: 143; Mócsy 1970: 43. A broad interpretation of the manner of describing proper Dardania in Procopius: Mirković 1996: 68 ff.

a geographical or historical sense.[35] It plainly follows from the convention adopted by Procopius that he chose to use deliberate archaisation, because it was apparently important to him to show the Emperor's Dardanian descent, which considering the desire to elevate Justinian in a panegyrical work was a very advisable move. Procopius certainly expected that the competence of potential readers would enable them to properly, i.e. in the most natural and simple way, read the positive connotations of this literary construction and to associate the Dardanians mentioned here with the ancient heroes of the Trojan War.[36] On the other hand, however, against the broad background of literature of that time, it is possible to interpret the motif of the Emperor's Dardanian descent in a completely different way, i.e. in a negative light.[37] The fact that mythological references are inserted in this paragraph is nothing new in *De aedificiis*, as we will see many instances of such remarks in various parts of the text. How strongly the work is rooted in the classical tradition is clear already in the introduction.[38] Procopius' ploys such as referring to the broadly defined classical cultural tradition make an analysis of all his works much more difficult, since they give his accounts an ambiguous meaning.

The second paragraph relates directly to Justiniana Prima as a city built by the Emperor to honour his birthplace (IV 1, 19–IV 1, 25).[39] The text seems quite lengthy but it should be emphasised that this is mainly the result of its careful construction, in which the initial information about the building of the city and about its name is supplemented with praise of the Emperor. After the description proper of the city, there is also a clearly separated, purely

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[35] The interpretation should not include various sources or expand its scope to investigations into Dardania in the geographical or historical sense, because this leads to creating an artificial structure out of context, e.g.: Rubin 1960: 81; Mócsy 1970: 43–44.

[36] The Dardanian origin distinguished the ruler and this was probably Procopius' goal, considering the panegyrical character of the work: Honigmann 1939–1944: 143; Mócsy 1970: 43; Mano-Zissi 1972: 687–688.

[37] Information about Claudius II Gothicus, who was also a Dardanian, is cited in this context: SHA: Divus Claudius 11, 9; also 13, 2. Constantine the Great, on the other hand, came from the area of Niš and in a broad sense this can also be regarded as related to the Dardanian origin. Popović, Kondić 1977: 165. An enumeration of sources: Fluss 1935: 1593. There are also negative mentions of the Dardanians in the literature. Examples: Patsch 1900b: 2155 ff.; Fluss 1934: 341. In more recent times: the *latrones Dardaniae* enlisted for the army by Marcus Aurelius: SHA: *Vita Marci* 21, 7.

[38] Rubin 1954: 300; Kaldellis 2004: 51 ff.

[39] Ćurčić 2010: 209; Roques 2011: 292: 20. The uniqueness of the description of Justiniana Prima in comparison to the other descriptions in this work, whether devoted to places, cities, or monuments, was noted by Elsner 2007: 47. No doubt everything that was created in this place was attributed to Justinian but only because he founded the city. We need a more precise analysis because in his account, Procopius treats this centre subjectively.

rhetorical, ending. As a result of such measures, the account is expanded and seems much more extensive than it would follow from the content of the information actually related to Justiniana Prima.[40]

παρ᾽ αὐτὸ δὲ μάλιστα τὸ χωρίον πόλιν ἐπιφανεστάτην ἐδείματο, ἥνπερ Ἰουστινιανὴν ὠνόμασε Πρῖμαν (πρώτη δὲ τοῦτο τῇ Λατίνων φωνῇ δύναται) ταῦτα τῇ θρεψαμένῃ τροφεῖα ἐκτίνων. καὶτοι῾Ρωμαίους ἐχρῆν ἅπαντας τοῦτο δὴ ἀλλήλοις ἐπικοινοῦσθαι τὸ ὄφλημα, ἐπεὶ καὶ σωτῆρα ἐθρέψατο ἡ χώρα κοινὸν ἅπασιν. (IV 1, 19–IV 1, 20)

ἐνθαῦθα δὲ καὶ ὀχετὸν τεκτηνάμενος ὕδασι τὴν πόλιν ἀειρύτοις διεπράξατο ἐπιεικῶς πλήθειν. πολλὰ δὲ καὶ ἄλλα τῷ τῆς πόλεως οἰκιστῇ ὑπέρογκά τε καὶ λόγου πολλοῦ διαπεπόνηται ἄξια. θεοῦ μὲν τεμένη διαριθμεῖσθαι οὐ ῥᾴδια, καταγώγια δὲ ἀρχόντων φράζεσθαι λόγῳ ἀμήχανα, στοῶν μεγέθη, ἀγορῶν κάλλη, τὰς κρήνας, τὰς ἀγυιάς, τὰ βαλανεῖα, τὰ πωλητήρια. πόλις ἁπλῶς μεγάλη καὶ πολυάνθρωπος καὶ τὰ ἄλλα εὐδαίμων καὶ οἵα τῆς χώρας ἁπάσης μητρόπολις εἶναι. εἰς ἀξιώματος γὰρ τοσόνδε ἥκει. πρὸς δὲ καὶ τὸν Ἰλλυριῶν ἀρχιερέα διακεκλήρωται, τῶν ἄλλων πόλεων αὐτῇ, ἅτε πρώτη τὸ μέγεθος οὖσῃ, ἐξισταμένων. (IV 1, 21–IV 1, 25)

ὥστε καὶ ἀνθυπούργηκε τῷ βασιλεῖ κλέος· ἡ μὲν γὰρ τροφίμῳ ἀποσεμνύνεται βασιλεῖ, ὁ δὲ ἀντιφιλοτιμεῖται δεδημιουργηκέναι τὴν πόλιν. καὶ μοι ἄχρι τοῦδε εἰπεῖν ἀποχρήσει. ἅπαντα γὰρ ἐς τὸ ἀκριβὲς λεπτολογεῖσθαι ἀμήχανον, ἐπεὶ τῷ βασιλεῖ προσηκούσης τῆς πόλεως ἐλασσοῦσθαι αὐτῆς ἅπαντα λόγον ἐπάναγκες. (IV 1, 26–IV 1, 27)

Emphasising the topic of the city's honourable name seems understandable, not only on the level of convention following the panegyric, and the need to particularly underline the ruler's contribution or the role and significance of a city so close to him. If we consider how brief the whole description of Justiniana Prima is and how little information it contains, it will become clear that explaining the meaning of the city's name was a very effective ploy for an author writing in the spirit of a panegyric. As a result, the depiction became, on the one hand, longer and more specific, and on the other hand more attractive for the potential reader. Numerous cities across the Empire

[40] As a whole, in terms of length the description of Justiniana Prima stands out from the others in Book IV of *De aedificiis*: Roques 2000: 33. As for the importance of the topic of the city bearing such an honourable name, it was included in the analysis by Cameron (1985: 94, 220), which does not mean that she attached any importance to it. What is completely surprising, however, considering his opinions about the genesis of *De aedificiis*, is the lack of analysis in the work of Kaldellis (2004: 51), where the existence of Justiniana Prima is barely mentioned.

were named after Justinian, whose rule had been long enough for the younger generation of readers to find the detail about the name of Justiniana Prima, or even the whole description, to be of interest.

Describing the city itself, Procopius probably enumerated everything that according to him could attest to its greatness: the aqueduct, churches, lodgings for archonts, market-places, stoas, baths, and shops; that is, buildings and typical facilities which cities possessed at the time and which he described many times on various occasions.[41] Due to the briefness and conventionalism of the phrases used in the text, Procopius' depiction of the new city comes across as artificial and detached from reality, which may raise serious questions about its credibility.[42] No doubt, it is only due to Procopius' literary talent that the description of Justiniana Prima occupies a special place among the other descriptions included in Book IV of *De aedificiis*. Without the rhetorical phrases emphasising the splendour of the Emperor's foundation, it would be only marginally longer than the description of Diocletianopolis, and shorter than the text about Heraclea.[43] The briefness and generality of the description of Justiniana Prima are disappointing, but the fact remains that it does contain a list of the most important structures and it is difficult to reject it *a priori*,

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[41] A discussion of the buildings and mentions about them in the descriptions of individual cities in the entire work: Bavant 1984: 245–246; Roques 2000: 33 ff.; Roques 2011: 292 fn. 22. A general characteristics of cities at the time and the roles they performed, which could serve as a background for evaluating the description of Justiniana Prima: Bouras 1981: 642. Cities in Illyricum: Bavant 2004: 322 ff.; in Asia Minor: Sodini 2004: 355 ff.

[42] This is the only description of Justiniana Prima, but there is nothing to indicate that the account reflects any official description of the city, and not only because there is no information whether such a portrayal existed. This is why Lemerle 1954: 268 fn. 4 treats it as official. Claude 1969: 106 refers to Justiniana Prima as *Musterstadt*. For Cameron (1985: 94) it is the 'showpiece of the regime.' On the other hand, e.g. Moorhead (1994: 149) uses the phrase 'cliché.' For Ćurčić 2010: 214 Justiniana Prima is Justinian's 'favorite creation.' Browning (1971: 91) interpreted the description literally, creating a picturesque and suggestive image of a grand city, as artificial as the brief conclusions about the city's significance in other scholars' works, e.g. Rubin 1960: 80–81. Grabar (1948: 50) thought it useful for the analysis of the description of Justiniana Prima to look at the other descriptions in the entire work devoted to cities named after the Emperor and thoroughly rebuilt by him: Dara, Zenobia, Melitene, Mokissos, Carthage.

[43] Diocletianopolis (IV 3, 1–IV 3, 4) may be present-day Castoria: Pelekanides 1978: 1190 ff.; Grotowski 2006: 185 fn. 326; Roques 2011: 301 fn. 55. For Procopius, in this case moving the city to a different place in order to ensure its safety may have been important. As for Heraclea, the description of this centre has a topographic character (IV 4, 17–IV 4, 23) and Procopius' interest may have been caused by this city's connection to the fortifications of Thermopylae, a place known from literature: Koder 1976: 172. It has been noted that the topic was very close to him. A comprehensive overview: Gregory 2000: 108; Cherf 2011: 71 ff.

as cities can be similar to one another and possess the same public buildings serving religious, administrative, or commercial purposes.[44] While the general and conventional nature of Procopius' description of Justiniana Prima is unquestionable and it is impossible to verify it on the basis of independent sources, we can still definitely deepen our analysis in a different way, namely by comparing it to the other descriptions within the same work. A good point of reference is another description which should be extensive and detailed but in fact is surprisingly brief. It concerns the great city of Carthage, also renamed after the Emperor and personally known to Procopius (VI 5, 8–VI 5, 11). On the one hand, recapturing Africa was Justinian's great success, and on the other hand, the description of Carthage, e.g. its history, was in itself an excellent topic which could interest readers.[45] Therefore, Procopius could achieve two basic goals here: praise the Emperor and show off his knowledge. However, he did not exploit this topic, limiting himself to a very short list of buildings, but the way he enumerated them makes it evidently clear that he knew what he was writing about.[46] In the light of the description of Carthage, it becomes clear that it is not always the length of an account or the apparent specificity reflected in a collection of dry facts or data about a city, but certain details, such as spatial orientation or using precise names of buildings proving one's familiarity with the place, that indicate that Procopius was in possession of good, i.e. accurate, information. This means he got to know his subject matter through his own observations or using various data from other people, who were personally familiar with the topic in question.

Procopius' description of Justiniana Prima as a city maintains such a high level of generality that it is simply impossible to use it for any sort of reconstruction of the location of the city or its appearance, because it can match any urban centre, with one reservation of course – not a big urban centre.

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[44] The description of Justiniana Prima with public buildings like in a classical city: Claude 1969: 105 ff.; Cameron 1985: 111; Mundell Mango 2000: 926. Such an enumeration of buildings is a quintessence of what determined the importance of cities: Bavant 1984: 246 fn. 4. On the other hand, there have been attempts to specify that e.g. Procopius wrote about officials' seats, generally without explaining whether they were urban or state officials: Claude 1969: 83; Roques 2000: 34 fn. 28. Whether in the case of Justiniana Prima anyone other than clergymen played any role in the city's life is a serious problem.

[45] Carthage: Lenschau 1926: 2150–2240; Liebeschuetz 2001: 100 ff.; Roques 2011: 422 fn. 62 ff. Downey (1939: 378) points out, using the description of Antioch as an example, that an excessive number of details could be tiresome for the reader, which is why Procopius may have omitted some information, even though he knew it.

[46] Cameron (1985: 94) noted that Procopius formulates his account in such a manner that his genuine knowledge of the topic is conspicuous. She values highly his account of Africa in the light of the studies conducted there: Cameron 2000: 179.

Procopius uses imprecise phrasing and even mentioning great (high) stoas does not change anything in the image of the city; however, it should be emphasised that he plainly calls it great, populous, and blessed.[47] As a result of this, Justiniana Prima was to achieve the rank of the metropolis of the whole region and become the seat of the Archbishop of Illyricum. It should be emphasised that the way Procopius presents the reasons for the city's significance is based on the assumption that the Emperor built the city, which then flourished and then, as a great centre, was given a pronounced position in the administration. In this instance, the phrases used and the whole context of the account devoted to general state affairs rather than ecclesiastical matters suggest that Justiniana Prima was to become a secular metropolis (IV 1, 24). Only the next part talks about its significance in the sphere of the ecclesiastical administration as the seat of the Archbishop of Illyricum. This latter promotion supposedly resulted from the size of the city (IV 1, 25). Such a reconstruction of the basis for the position of Justiniana Prima's Church is at first glance contradictory to the data included in Novel XI. Justinian specifically says in the novel dated to 535 that the desire to honour his birthplace played a decisive role in conferring the rank of archbishopric on this city and it is in no way connected with its size and objective significance in the region. He also completely fails to mention the issue of the city's origin. While Procopius' attribution of the rank of the Archbishopric of Illyricum to Justiniana Prima does not discredit his account (although in the legal sense such a see did not exist), because it may have been informally referred to in this way given the position of the local bishop and the city's location, the credibility of the information justifying the high status of the local Church is an entirely different matter. Not only does Procopius wrongly state that Justiniana Prima had such a status due to its size, in a context that implies that the other cities in the region were smaller, but he also presents the reverse order of the changes with respect to the bishopric gaining privileges than it would follow from historical facts. On the ecclesiastical level, Justinian's native city was in its prime as an independent archbishopric in 535–545, and after 545 it lost its high position in the hierarchy of bishoprics in the scale of the whole Empire, although it did remain an exceptional and the most important bishopric in Illyricum due to its specific legal status. In the sphere of the ecclesiastical organisation, we see Justiniana Prima gradually losing its position, not gaining in significance, as could be inferred from Procopius' account.

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[47] Typical terms used by Procopius in his descriptions of cities: Claude 1969: 195 ff.; Rebanoglou 2005: 136. In the description of Justiniana Prima, in comparison to the other cities, there is no mention that it was wealthy e.g. due to trade. Such an assertion appears in his descriptions of other cities and was generally important: Claude 1969: 167.

The ending of the description of Justiniana Prima (IV 1, 26–IV 1, 27) contains a general summary, which boils down to the statement that the city can take pride in the Emperor, just as he can take pride in having built the city. Procopius makes a clever excuse why he is not going to give more information about the city, writing that it would be impossible to do its splendour justice. We should note a very important role that clichés or direct praise of the ruler play in embellishing the account presenting Justinian's native land. Excessive emphasis on his building achievements stems from literary convention and is justified from the point of view of the message of this work; that is why there are grounds to defend Procopius as a serious writer, who does not cross the lines drawn by the convention.[48] The method of presenting Justinian's achievements by means of a proper choice of phrases also serves to relay the main idea of the work and it seems not to have been dictated by spiteful irony in this particular case.[49] After all, *De aedificiis* is evidently a committed work, and the perception and presentation of the reality is subjected to the achievement of the author's goal. When we take the historical context as the background for our analysis, it will be possible to approach the assessment of the credibility of the description, the entire work, and the author's motives, in a very different way.[50]

The third paragraph (IV 1, 28) of the fragment directly devoted to the Emperor's native land concerns strengthening Bederiana's defences: Ἔτι μέντοι καὶ Βεδερίανα τὸ φρούριον ἀνοικοδομησάμενος ὅλον πολλᾷ ὀχυρώτερον

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[48] While reading this account, one is struck by Procopius' gross exaggeration, which makes investigating his motives all the more important. On the one hand, not everything can be explained away by literary reasons, in the context of the role played by panegyrical works in Late Antiquity or by traces of similar behaviour in the imperial propaganda. On the other hand, being influenced by the message of *Anekdota* in evaluating this work leads to an absurdity, considering the usually early dating of this work. In the case of analysing Procopius' works, his attitude to Justinian plays a great role and is also taken into account in the evaluation of specific statements made in *De aedificiis*: Cameron 1985: 84 ff.; Curta 2001: 151 ff.

[49] Using the phrases: ἀμηχανία/ἀμήχανος from the beginning of the work was noted: Rubin 1954: 300, and a discussion was provoked by the article of Rousseau (1998: 121 ff.), who read phrases about helplessness appearing in various contexts as a reflection of such gross exaggeration that they could be treated as a sign of over-the-top irony or even derision towards the ruler. As a result, a doubt arises whether *De aedificiis* can be interpreted as a serious work. Whitby (2000a: 59–66) defends the traditional approach to the interpretation, criticising the fragmentary character of the above conclusions and referring to the literary context. The phrase in question appears twice in the fragment about Justinian's native land (IV 1, 16; IV 1, 27).

[50] It seems that we should distinguish between the message within Book IV and that of the entire work as well as generally take into account what Procopius wanted to achieve by writing a work of this kind – fn. 1.

κατεστήσατο. It seems that, considering the subject matter, it should have been placed in the earlier description, which mentioned this fortress and Tauresion, the Emperor's birthplace (IV 1, 17–IV 1, 18). Adding this information after the description of the entire area directly connected with the Emperor's birthplace spoils the continuity of the narration, but it probably stemmed from Procopius' concern to provide all the essential data.[51] If such an important, in his own opinion, fragment of a book about a ruler who conducted such great building works shows a lack of final editing, we may presume that the whole manuscript was hastily finished and the author probably focused, especially in Book IV, on giving as much data as possible about the structures that were to ensure the safety of the population. In the case of Bederiana, the summary is very matter-of-fact and devoid of rhetorical phrases because, it seems, providing concrete information at this point did not disagree with the general conception of presenting the Emperor's great achievements.

The second fragment of the description of the Emperor's native land (IV 1, 28–IV 1, 32) clearly refers to Justinian's broadly defined fatherland, and its presence in the text also completes the picture of the works the Emperor carried out in the land of the Dardanians. Due both to the content and the way the data are given, the description distinctly falls into two paragraphs. The first one enumerates the Emperor's other building works related to him and his uncle (IV 1, 28–IV 1, 30); the second one lists the remaining ones which, we can presume, Procopius decided to include in order to show the ruler's special concern for his native land. The first paragraph is more detailed:

> ἦν δέ τις ἐν Δαρδάνοις ἐκ παλαιοῦ πόλις, ἥπερ Οὐλπιᾶνα ὠνόμαστο. ταύτης τὸν περίβολον καθελὼν ἐκ τοῦ ἐπὶ πλεῖστον (ἦν γὰρ σφαλερὸς ἐς τὰ μάλιστα καὶ ὅλως ἀχρεῖος) ἄλλα τε αὐτῇ παμπληθῆ ἐγκαλλωπίσματα ποιησάμενος, ἔς τε τὴν νῦν μεταθέμενος εὐκοσμίαν, Σεκοῦνδαν αὐτὴν Ἰουστινιανὴν ἐπωνόμασε. σεκοῦνδαν γὰρ τὴν δευτέραν Λατῖνοι λέγουσι. καὶ ἄλλην δὲ αὐτῇ πλησίον ἐδείματο πόλιν οὐ πρότερον οὖσαν, ἥνπερ Ἰουστινούπολιν τῷ θείῳ ὁμωνύμως ἐκάλεσεν. (IV 1, 28–IV 1, 30)

The Emperor rebuilt and fortified the ancient city of Ulpiana, where he introduced many improvements, giving it a magnificent appearance. It was

[51] He similarly supplemented the account about the Syrian city of Chalcis with information about the circuit-wall: II 11, 1 and II 11, 8. This was noted by Downey 1947: 175; Rubin 1954: 307. Chalcis was a city in the province of Syria I: Hierocles 711, 8. Benzinger 1894: 2090; Jones 1971: 231 ff.; Roques 2011: 201 fn. 142 Also the strengthening of Bosporus' defences was repeated (III 7, 10 and III 7, 12), which was noted by Whitby 1985: 143 fn. 66. Roques 2011: 241, 243 fn. 100, 102.

renamed Justiniana Secunda.[52] At first glance it would seem that Procopius was inspired by the distinction that the city received in being given such a noble name and thought it advisable to explain its Latin meaning to the reader: Justiniana the Second. However, both the manner in which this centre is presented and the modest length of the description are very disappointing in the light of the events which he described elsewhere:[53] there, Procopius briefly mentioned the religious unrest which took place in Ulpiana, promising a more detailed account in another work. While it seems understandable to omit the subject of an internal conflict and using the army to pacify unhappy subjects in *De aedificiis*, it is less clear why there is a lack of any details about the city as such.[54] Considering the author's declaration that he knew this centre, and the short period that had passed since those shameful events, or their objective significance following from the size of the forces Justinian sent to Ulpiana, we could expect some information confirming that he did indeed possess some knowledge about the city itself. As a result, both the inadequate description and the reference to the city as a blessed one gives this passage of *De aedificiis* a very ambiguous meaning.[55] Such a wording of the account may have been deliberate on the part of Procopius, proving his spitefulness and hidden irony aimed at the Emperor or, which seems just as likely, we may be dealing with quite an accidental, i.e. automatic, use of a positive phrase emphasising the ruler's contributions, typical for this work.[56] Compared to his depiction of Ulpiana, Procopius gives an even more offhand treatment of

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[52] The existence of this city is noted under the name Justiniana Secunda: Vulić 1919b: 1309. However, a much better analysis can be found under the old name, Ulpiana: Saria 1961: 564–567; Hoxhay 2000–2001: 1 ff. Ulpiana was a city situated in the province of Dardania: Hierocles 656, 2; Mócsy 1970: 75 ff.; Roques 2011: 293 fn. 26 ff. Ulpiana's promotion to the rank of metropolis in 545 is pure speculation in the reconstruction of the ecclesiastical organisation of the region: Popović 1989–1990: 280.

[53] Procopius *De bell*. VIII 25, 13 mentioned unrest in this city and declared that he would discuss the problem in a separate work. The context indicated that it would be a work in the style of Church histories. A commentary: Rubin 1954: 245; Kaldellis 2009: 606 ff.

[54] The change of the name to Justiniana Secunda was effected and recorded. Bishop Paul of Justiniana Secunda appears during the events of the ecumenical council of 553: Mansi IX: 199; Chrysos 1966: 133; Xoxhaj 2000–2001: 10.

[55] The placement of this information in the narrative seems to suggest the dating of the unrest in Ulpiana to the early 550s: the beginning in 552: Saria 1961: 567. Hoxhaj (2000–2001: 11) seems to quite broadly refer to the period of 552–559.

[56] Procopius was clearly politically involved and the changes in his attitude to Justinian's activities create a considerable problem with understanding and using his works. The reflections of Rubin (1954: 75 ff.) or Cameron (1985: 242) on the subject are much more convincing than the general vision of Kaldellis 2004. The fragment about Ulpiana takes on a special meaning in the context of the need to evaluate Procopius' declaration about a planned work on ecclesiastical matters: Kaldellis 2009: 606 ff. I discuss this elsewhere.

the foundation, from the ground up, of a city named Justinopolis after the Emperor's uncle (IV 1, 28–IV 1, 30).[57] The last two were presented as cities of the Dardanians, so Procopius clearly referred back to the main theme of his reflections on Justinian's origin.

The next fragment (IV 1, 31–IV 1, 32), in keeping with its placement in the narrative, contains further data about the building of fortifications among the Dardanians on the Emperor's orders:

> ἀλλὰ καὶ Σαρδικῆς καὶ Ναϊσουπόλεως, ἔτι μέντοι Γερμαῆς τε καὶ Πανταλείας διερρωγότα τῷ χρόνῳ τὰ τείχη εὑρὼν οἰκοδομησάμενός τε ξὺν τῷ ἀσφαλεῖ ἅμαχα τοῖς πολεμίοις διεπράξατο εἶναι. καὶ πολίχνια δὲ τούτων δὴ μεταξὺ ἐδείματο τρία, Κρατίσκαρά τε καὶ Κουιμέδαβα καὶ Ῥουμισίανα. οὕτω μεν οὖν τάσδε τὰς πόλεις ἐκ θεμελίων ἀνέστησε.

Without any introduction or explanation, Procopius simply goes on listing more cities where Justinian carried out building works.[58] They included strengthening the walls of Serdica,[59] Naissos,[60] Germania,[61] and Pautalia.[62] The Emperor reportedly built three small cities from their foundations: Cratiscara, Quimedaba, and Remesiana. The former two do not appear in any sources other than this,[63] whereas Remesiana is well attested as a city and bishopric in Late Antiquity.[64] We should not discredit Procopius' account

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[57] Vulić (1919a: 1314) assumes that the centre was situated in the vicinity of Ulpiana. Generally, it may be situated in Dardania: Beševliev 1970: 63; Ivanov 1984: 42. All the sources on Justin's history and his origin were collected by Vasiliev 1950: 52 ff.; Iustinus 4 – *PLRE II*: 648–651.

[58] Beševliev (1967: 268; Beševliev 1970: 63) states that Procopius moves on to the description of Dacia Mediterranea, but this does not follow from the text of Procopius, who merely enumerates the next works among the Dardanians, i.e. still in the Emperor's native land but in a larger area. The latter phrase appears in Mócsy 1970: 43.

[59] Serdica had an established status as the capital of the province of Dacia Mediterranea: Fluss, Oberhummer 1923: 1669–1671; Danov 1977: 267 ff.; Velkov 1977: 23; Dintchev 1999: 50; Roques 2011: 293 fn. 30.

[60] Naissos: Fluss 1935: 1589–1599; Mócsy 1970: 90 ff.; Velkov 1977: 95; Mirković 1996: 61 ff.; Roques 2011: 293.

[61] Probably the city of Germania in Dacia Mediterranea, the birthplace of Belisarius: Procop., *De bell.* III 11, 21; Belisarius 1 – *PLRE IIIa*: 182. A discussion of the forms of the name: Honigmann 1939: 20, no. 654, 5; Ivanov 1984: 44; Dintchev 2000: 74.

[62] Pautalia, a city in Dacia Mediterranea: Beševliev 1970: 92–93; Velkov 1977: 96; Dintchev 1999: 46. A philological analysis: Salač 1932: 131–134.

[63] Cratiscara – an identification: Beševliev 1970: 93. Quimedaba: Beševliev 1970: 93, 110. The latter is probably mentioned by Procopius in a list of fortresses in the region of Remesiana, under the name Cumudeba (IV 4, 3): Perrin-Henry 1981: 102; Roques 2011: 293 fn. 31.

[64] Vulić 1914b: 594; Velkov 1977: 96.

for diminishing the importance of Remesiana and calling it a small fort, because such a portrayal of the status of this centre probably stemmed from the information he had, and it may have been an accurate depiction of the reality at some point of its existence between the mid-5th century and the date of writing this work. Therefore, this characterisation of Remesiana is not inconsistent with the mention about fortification works in its vicinity, which can be found further on.[65] All the cities listed by Procopius: Serdica, Naissos, Germania, Pautalia, and Remesiana described as a small fort, are very well-known as important urban centres in the province of Dacia Mediterranea.[66] However, they were mentioned in the discussion of everything the Emperor built in his native land. This was probably not an accident or a mistake, but followed from the convention adopted. Procopius composed his account of Justinian's fatherland presenting him as a Dardanian and using this key for presenting his material meant that in confrontation with the reality, i.e. with the location of Bederiana and the Emperor's native land in the geographic region which did not overlap with the administrative boundaries of Dardania proper, it was necessary to broaden the context. It seems that Procopius decided to mention the ruler's building activity in Dacia Mediterranea remembering the location of Bederiana and Justiniana Prima, which in terms of administrative division did not belong to Dardania. We could interpret this decision as the need to faithfully reflect the reality while adhering to the convention of presenting the Emperor's ethnic origin in a positive light.

Summing up the analysis of the information about the fatherland of Emperor Justinian in Book IV of *De aedificiis*, there are grounds for accepting the hypothesis that Procopius treated this part of his account of the building works across Europe in a special way. Not only did he place it immediately after the *prooimion*, but he also clearly singled it out as an autonomous whole within the narrative. Only after finishing the story of Justinian's building works in his native land among the Dardanians did he go back to general reflections on strengthening the defences of the Empire against the barbarians attacking from the north bank of the Danube (IV 1, 33–IV 1, 35) and mentioned the

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[65] Remarks: Beševliev 1970: 108; Mirković 1996: 64 fn. 37. Despite the distorted forms of the name of Remesiana, the description (IV 4, 3) requires a discussion including an analysis of the structure of the entire book.

[66] Dacia Mediterranea – a province probably created in Aurelian's times after the evacuation of Dacia: Velkov 1977: 62 ff.; Roques 2011: 317 fn. 114. All these cities are mentioned by Hierocles 654, 3–654, 7. In the earlier period the areas inhabited by the Dardanians were larger than the borders of the Late Roman province. A discussion: Mócsy 1970: 43–44; Mirković 1977: 828 ff.

ruler's achievements in Epirus (IV 1, 35) and later in Greece.[67] In this manner, the story about Justinian's native land is clearly highlighted; therefore, only in the context of how little Procopius knew about Justiniana Prima itself does it become obvious how much he must have cared about mentioning this topic. He probably hastily gathered all the available information and did not even have time to do more work on the material within the book. As has been mentioned, there is no reason to believe that Emperor Justinian himself was involved in preparing the description of Justiniana Prima and, most importantly, it is consistent with this ruler's reluctance to spread information about the city he founded to honour his birthplace.

Describing the city founded by Justinian for such noble reasons, Procopius did not mention any topographic details about the area or the spot chosen by the Emperor for the construction of, as he himself stated, a very prestigious centre. There is no information about the threat the barbarians posed to the place, about the lay of the land, its fertility and defensive qualities, or how the city itself was situated, e.g. on a hill, by a river or a lake, near communication routes, etc. What seems particularly significant is the omission of any mention of, it would seem, the most important issue in the context of the entire work, i.e. the city's fortifications.[68] In Book IV of *De aedificiis*, there are many such descriptions and their lack in the case of Justiniana Prima cannot be accidental. It should be emphasised that in the light of the author's declaration in the introduction, the Emperor's native city was worth mentioning if only for the fact that it was raised from its foundations. Procopius thought (I 1, 8) it was appropriate to emphasise this aspect of the Emperor's activity and show it in the most positive light.[69] He additionally pointed out and highlighted in a very broad context the significance of the description of this city right at the beginning of Book IV; objectively, it was also a very good topic to include in any work, also a literary one. The city's name reflected both its particular significance for the ruling Emperor and its brief history. It was unknown

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[67] In accordance with the declaration from the introduction, the account does not start immediately after the *prooimion* with the passage (IV 1, 15) on the ruler's native land, as in: Perrin-Henry 1981: 95, but with the description of Epirus (IV 1, 35). Procopius adopted his own order of presenting the material because of the purpose of his work, which was ultimately decisive for the composition of this book. How difficult it is to 'translate' his manner of description into the reality of the administrative structure at the time was noted by Mirković 1996: 68 ff. I discuss the problem comprehensively elsewhere – fn. 1.

[68] The basic function of a city is to ensure the inhabitants' safety: Bouras 1981: 643. Procopius writes not only about fortifying cities but also e.g. about moving cities to a new location because of defensive requirements, which he mentions already at the beginning of Book IV, when describing Euroia (IV 1, 39–IV 1, 42) – Roques 2011: 297: 38.

[69] Rubin 1954: 300; Rebanoglou 2005: 120.

among the wide masses of the Empire's population and certainly deserved the attention of any writer concerned with making his work as attractive as possible for the potential reader. The visible discrepancy between the declaration of Procopius himself about the significance of the entire story about Justinian's fatherland, which was reflected in its placement within the work, and the very general description of the city, seems to indicate that he had very sparse information. As has been mentioned, this should encourage historians to show more reflection and precision when formulating conclusions about his sources and Justinian's attitude towards the writing of this account of his native land, as well as the ruler's attitude towards the entire work devoted to his building activity. With regard to the latter, the case seems obvious: any possible form of the Emperor's participation in preparing this fragment of the work must be ruled out. It is worth adding that ensuring the safety of the inhabitants of a city is inextricably connected with not only the fortifications, but also the problem of a garrison. There is no mention of this in *De aedificiis*, either.[70] It seems, however, that we should not totally underestimate Procopius' efforts to find data about the reality in which Justiniana Prima functioned. Describing the city, he mentioned the aqueduct in the first place, which perhaps was not random and may have been related to the natural conditions in the Emperor's native land, which was known for its lack of good water, as the oriental tradition tells us.[71] Procopius gives no precise details about the aqueduct, but it probably played a fundamental role in supplying water to the city, since it is not known whether the local water was even potable; the credibility of the information that it allegedly turned to blood when boiled must naturally be rejected.[72]

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[70] The general importance of garrisons for cities: Claude 1969: 189 ff.

[71] Supplying cities with water was a very important problem in those times (Bouras 1981: 643) and Procopius wrote about this topic numerous times. In Pseudo-Zacharias, the description of Emperor Justin's origin includes information depicting his native land in the vicinity of Bederiana (the text is damaged and contains Maurian's lection): Pseudo-Zachariah VII, 14 (Brooks 1924: 40, 21–22).

[72] Generally, it is worth noting the information that according to Pseudo-Zacharias the water in this area was bad. The further detail about it turning into blood when boiled could be useful when analysing this fragment of Pseudo-Zacharias' work, which may have been e.g. symbolic, which in turn may have been related to religious matters (water in Christian symbolism: Forstner 1990: 65 ff., 362), or could lead to conducting a water analysis and establishing in what area it showed such properties. It is a pity that the information about water is not emphasised in the literature, as it is important in all respects. The oriental tradition mentions another sign – the appearance of a comet at the beginning of Justin's reign (e.g. Michael the Syrian II: 170), which may be used in the reconstruction of the evaluation of this ruler's religious policy. Oriental sources mentioning Justin were discussed by Vasiliev 1950: 22 ff.

What is also surprising is the accuracy of the data about the location of the described centres in Justinian's native land, such as names of places: Bederiana or Tauresion; their vicinity rather than identity; and the location of Justiniana Prima near and not on the spot of the existing cities.[73] If the author was able to give very precisely the name of the Emperor's birthplace and mention the fact that the newly built city was in its vicinity, this seems to imply that he had access to incredibly detailed data that were rather unique; this leads to the problem of verifying them and it becomes very likely that the account might have been embellished in order to emphasise the scale of the ruler's building efforts. At the same time, the very description of the city (disregarding its connection with the Emperor and focusing on the fact that at the time when Procopius was writing his description it had already functioned for a few decades) is almost shockingly devoid of details. Evaluating the characterisation of this city on the basis of existing data, we could conclude that the description may have been based on heard, general information but, it should be added, there is every indication that the details were not obtained first-hand. As we have mentioned, the account lacks anything that would give an individual character to the buildings, which were presented in such a manner that they could describe any city. This is further confirmed by the omission of not only any information about the city's location or the topography of the area, but even general statements as to whether the location was good, safe, etc.

Assessing the entire depiction of Justiniana Prima as a city in *De aedificiis*, the most valid hypothesis seems to be that the description is basically an image of what this city should be like, considering its name and connection to the Emperor, which should determine its general significance. Procopius knew the ruler's potential and probably reasoned in good faith that such an important place would have been turned into a flourishing city, which seemed to be confirmed by its position in the administration.[74] Mentions concerning the status of Justiniana Prima: the city holding the rank of metropolis and its

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[73] The accuracy of the description in this regard is noted and pointed out by Tomaschek 1899b: 184; Vasiliev 1950: 55; Grabar 1948: 51. Analysing Procopius' description, Claude (1969: 179, 197) supposes that in the topographical reality of Caričin Grad Justiniana Prima was built on the spot occupied by both these centres: Bederiana was the basis for building the acropolis, and nearby Tauresion – the city. Justiniana Prima as a city built on the spot of the village of Tauresion: Claude 1969: 6. Also the latter place as a synonym for Justiniana Prima: Ljubinković 1967: 70.

[74] The account about the events which led to the creation of the city of Caput Vada (VI 6, 8–VI 6, 16) and its description can be used as a comparison in an analysis of Justiniana Prima, e.g.: Cameron 1985: 94 fn. 81, but only to some extent, since Procopius visited Africa and knew the place, which cannot be said about Justinian's native land. About the city itself: Grotowski 2006: 264–265; Roques 2011: 424 fn. 75.

bishop's jurisdiction over the Church of Illyricum, also provide an opportunity to characterise Procopius' techniques and methods, as we are able to refer to the relevant novels issued by Justinian and to the historical context. Therefore we should firstly, as far as possible, define the legal status of the city and establish how and in what sense the author used the term *metropolis* and what he wanted to express by this in the context of his account.[75] In order to find out the latter, it is necessary to broaden our analysis and examine how he used the term throughout the entire work.

The starting point for our analysis should be Procopius' characterisation of issues generally concerning the significance of the city in a very broad sense, beginning with the strictly ecclesiastical role. If Justiniana Prima was supposed to be the metropolis of the entire region in the colloquial sense, i.e. to be generally the most important or outstanding centre, then through a literal interpretation of the entire fragment devoted to Justinian's native land it can be established that this means the role of the centre of the area inhabited by the Dardanians.[76] It follows from all of Procopius' previous reasoning that he certainly counted a part of the province of Dardania among the lands on which he placed this tribe, as indicated by the mention of Ulpiana and entire Dacia Mediterranea, because he listed all its cities. On the basis of this kind of reasoning, it is even possible to make a wider interpretation that Justiniana Prima was supposedly the metropolis on the territories occupied by the provinces of Dardania and Dacia Mediterranea.[77] This should, for instance, mean that it would be bigger in size than Serdica, which was long past its prime in the 560s, but it was still a large city with a great strategic location.[78] Since Procopius literally writes that Justiniana Prima became the metropolis of the region due to its rank, we can believe him, considering its

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[75] The term *metropolis* had several meanings; a general overview: Jones, Hornblower 2002: 977–978. In Late Antiquity in legal sources there is a clear distinction of the meanings in which it was used. It may be related to the Emperor giving rights (*ius*) or honour (*dignitas*) and the name (*nomen*) to a city, which influenced its position: *CIC* II: 11.22.1. Chrysos 1969: 273 fn. 57; Millar 2006: 134.

[76] The metropolis of the area inhabited by the Dardanians: Maksimović 1980: 29. The entire phrasing is not very precise: Grabar 1948: 51. Generally, Justiniana Prima as a metropolis: Snively 2001: 639.

[77] Reconstructing what was built by Justinian in the province of Dardania is difficult: Mirković 1996: 68 ff. Procopius wrote about the Dardanians in connection with the Emperor's origin and did not return to the description of fortifying works in the province, other than in a collective list: IV 4, 3.

[78] In the 4th century, Serdica was flourishing, as illustrated by the information from written sources and the size of the city: Velkov 1977: 216 ff. However, its role in the system of the state and ecclesiastical administration in Late Antiquity should not be overestimated.

religious role and connection to the Emperor. However, we must also consider the next passage devoted to the reason for Justiniana Prima's elevation in the Church, according to which it should have been the largest city of Illyricum. This allows us to outright reject the credibility of Procopius' information. Both these mentions interpreted together imply that it is the city's size that is meant, not the figurative meaning referring to its prestige or a strategic, military, or general administrative role which was expressed in a colloquial sense by means of the term *metropolis*.[79]

Due to the long history of investigating the location of Justiniana Prima, we cannot underestimate the information contained in *De aedificiis* that the centre, as a result of its size among the cities of Illyricum, supposedly became the seat of the local archpriest (archbishop). At first glance, to a reader unfamiliar with the nuances of the ecclesiastical organisation in Justinian's times, this sort of information invites an almost automatic comparison to Thessalonica. If the fragment about Justiniana Prima had been read in the early 560s by someone who did not inquire whether the position of the Archbishop of the Church of Illyricum even existed in a legal sense, it could have been concluded that the city was larger than Thessalonica and was therefore a huge centre with an area of more than several hundred hectares.[80] We can interpret Procopius' information more precisely by broadening the context of our analysis to include his entire account of Justinian's fortification works in Europe, because he uses the name Illyricum in two different ways. In the broad sense, Illyricum and Thrace form the part of Europe which he describes in Book IV of *De aedificiis*, which enables us to assume that he refers to the Prefecture of Illyricum, covering all of the Western Balkans without Dalmatia.[81] In turn, in the descriptions of fortifications in individual territories he distinguishes between the northern areas of the prefecture, which he calls Illyricum, and the southern area, which he calls Hellas.[82] Information provided by independent sources reveals the

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[79] In the metaphorical sense, as a city's symbolic meaning: Maksimović 1980: 27. The political role may have been unrelated to its size: Claude 1969: 230 ff.

[80] Regardless of the size of Thessalonica (ca. 385 ha inside the walls and 140,000 inhabitants: Morrisson 2004: 197), a large city in the region, according to the criterion of area, should have e.g. approximately 30 ha inside the walls: see Chapter I.

[81] After finishing the description of fortifications in Illyricum (IV 5, 1). Procopius broadly defines the area of Illyricum, summing up the mentioned building works in the region (IV 5, 1) and in the whole area between the Danube and the Peloponnese (IV 6, 36–IV 7, 1). Illyricum seems to be treated as a whole in the administrative sense, which is indicated not only by Hierocles' account: Dagron 1984: 2 with a reference to *ACO* II 1, 2: 124.

[82] A clear distinction through contrasting: ἐξ Ἰλλυριῶν ἐς Ἑλλάδα ἰόντι, (IV 2, 17). Also, Greece is treated as a land separate from Illyricum (IV 8, 1). This was noted: Dagron 1984: 3–4. An overview of all source mentions from this era about the meaning of the term 'Hel-

area under the Archbishop of Justiniana Prima's jurisdiction, which covered exactly the lands in the north of the prefecture. Therefore, Procopius' description can, in a way, be treated as not very far from the reality, if we consider the broader context of his account in the entire Book IV of *De aedificiis*.[83] Even then, however, Justiniana Prima, as the biggest city of the northern part of the region, should be a 'large' city.

On the basis of Procopius' general information about the status of Justiniana Prima in the broadly defined administrative system of the Empire, there are no grounds to immediately assume that, as a city, it had the status of metropolis within the state administration, i.e. that it was a provincial capital city in the Empire's administrative structure.[84] Theoretically, it cannot be ruled out that Procopius used the term 'metropolis' in the legal sense, in order to say that the city had the name and honours characteristic of a metropolis. A literal interpretation of the term he used does enable us to assume that his words referred to honorific rights. In the reality at the time, if the Emperor bestowed them on a city, it was elevated in the ecclesiastical administration, which did not matter in the case of Justiniana Prima, because it was made an archbishopric. The term 'metropolis' was probably used for technical reasons in Novel XI, in order to convey the scale of the local Church's elevation in the legal sense. If, then, Procopius writes about the city having the honour of being a metropolis regardless of its ecclesiastical rank, it might mean that the Emperor honoured the city itself, rather than the local bishopric, which would have resulted in issuing a relevant document. As we have mentioned, theoretically we cannot rule this out, but it seems rather unlikely. In this context, we can examine Justiniana Prima's urban status as a separate problem, and in this connection, the existence of an imperial document for the city itself which regulated its position in the Empire's administrative structure.[85]

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las' in sources from Late Antiquity and the Early Middle Ages: Charanis 1955: 164 ff.; Koder 1976: 37 ff., 49 ff.

[83] In combination with the information from Novel XI, it is easy to form such hypotheses about the role of Justiniana Prima in the northern part of Illyricum by putting together fragments of various accounts: Maksimović 1980: 27, 29.

[84] Referring to Justiniana Prima generally as a metropolis is not usually interpreted precisely in the sense of its status outside of the ecclesiastical organisation, since Procopius is cited, without an analysis: Maksimović 1984: 142. Snively (2001: 639, 641) seems to write more precisely about the metropolis and local centre. Even detailed works are not very specific on the subject, and assume that e.g. it was the metropolis of Dardania: Rebanoglou 2005: 136–137, 279. In the figurative sense, the term metropolis is sometimes understood and translated as the capital and meant to refer to entire Illyricum: Grabar 1948: 50 or its northern part: Ivanov 1984: 50.

[85] Pseudo-Zachariah IX, 1 (Brooks 1924: 63, 1–4). Claude 1969: 195 fn. 1.

Presenting Justinian's building activity and at the same time taking an opportunity to describe various cities in the Empire, Procopius used the term 'metropolis' only four times in the entire *De aedificiis*. It appears, in this order, in the characterisation of Melitene in Armenia (III 4, 17), Justiniana Prima, Mokissos in Cappadocia (V 4, 18), and Adramytos in Byzacena (VI 6, 1). It is absent as a marker of the position and status from the mentions about other cities which played an outstanding role in the public, administrative, and ecclesiastical life, and which came a close second after the great urban centres of Antioch, Alexandria, or Carthage. This is very conspicuous when Procopius mentions important centres such as Ephesus (V 1, 4–7), the capital of Asia,[86] or when he relates Justinian's fortification works in Cappadocian Caesarea (V 4, 7–14), the most important city of the diocese of Pontus.[87] The term does not appear either in the descriptions or mentions of other cities that were provincial capitals and for this reason metropolises in the proper meaning of the term, such as Nicomedia (V 3, 7),[88] Amasea (III 7, 2),[89] Tarsus (V 5, 14–20),[90] Amida (II 3, 27–28),[91] Edessa (II 7, 2–16),[92] or cities which only held this honour, such as Nicaea (V 3, 1–3).[93] The same can be said about the descriptions devoted to the main centres located in the Balkans, such as Serdica or Nicopolis, which is barely mentioned

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[86] Justinian had a special relationship with this city: Regesten 954, 955; Foss, Johnson 1991: 706; Belke 2000: 122; Roques 2011: 370 fn. 4. Regardless of the Emperor's sympathies, it was an important administrative centre which maintained its importance also in the later period: Brandes 1989: 83 ff.

[87] In Late Antiquity Cappadocian Caesarea was an important administrative and military city with imperial manufactures of weapons and clothes. The local bishop was the head of the Church in the territory of the civil diocese of Pontus prior to 451: Foss 1991b: 363–364; Hild, Hellenkamper 1981: 191–196; Belke 2000: 123; Roques 2011: 377: 35.

[88] Nicomedia – the seat of Diocletian, the capital of the province of Bithynia. Justinian partly rebuilt the city: Ruge 1936b: 468–492; Foss 1991d: 1483–1484; Roques 2011: 374 fn. 20. The city had a mint: Brandes 1989: 116.

[89] As the capital of the civil province of Helenopontus from Diocletian's times and an ecclesiastical metropolis, it lost its significance later, but functioned in the 6th century: Hirschfeld 1894: 1743; Brandes 1989: 48; Foss 1991a: 74; Roques 2011: 238 fn. 91.

[90] Tarsus was described as a large city, the capital of Cilicia, a civil and ecclesiastical metropolis of this province. A detailed discussion: Hild, Hellenkamper 1990: 428–439; Roques 2011: 380 fn. 46.

[91] Amida, the capital of Mesopotamia and ecclesiastical metropolis: Baumgartner 1894: 1833; Mango 1991a: 77; Roques 2011: 178 fn. 32.

[92] Edessa, the capital of the province of Oshroene, a well-known ancient city: Duval 1982: 200 ff.; Mango 1991b: 676. Building works in this city in Justinian's times: Palmer 2000: 127–136; Roques 2011: 185 fn. 68.

[93] Ruge 1936a: 226–243; Brandes 1989: 124; Foss 1991c: 1463–1464; Roques 2011: 373 fn. 13.

(IV 1, 37),[94] Heraclea (Perint: IV 9, 14–16),[95] or overlooked Thessalonica.[96] This leads us to assume that the term was not even in the author's permanent vocabulary as an element of characterising cities.[97] Therefore, the use of the term 'metropolis' in reference to Justiniana Prima and the other three cities is unique enough to warrant a more thorough analysis. This might enable us to grasp the significance that Procopius attached to or associated with the centres which he mentioned to be metropolises. Perhaps it was not accidental and there were some deciding factors important to Procopius, which would also enable us to get a better understanding of this aspect of his technique and evaluate his credibility.

Procopius devoted a lot of attention to presenting Justinian's building achievements in Armenia, enriching his account with a historical sketch (III 1, 1–III 6, 1).[98] In the case of the territories of Lesser Armenia on the western bank of the Euphrates River, the account is lengthier than in the case of the territories situated in the east (III 5, 1–9), where the significance of Theodosiopolis was emphasised.[99] The city was well-fortified and started to play a key role in the defence system against the Persians on a strategic scale. It was the main military base (III 5, 2–12) and the headquarters of the local army general.[100] As for Lesser Armenia, the account of Martyropolis occupies the most space; it also contains some technical details about the fortifications

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94 Nicopolis – Soustal 1981: 213; Roques 2011: 296 fn. 36. A comprehensive analysis against the background of the situation in the province: Bowden 2003: 14.

95 Older works are quoted by Honigmann 1939: 12; Külzer 2008: 398 ff.; Roques 2011: 334 fn. 182.

96 Procopius included only a handful (11) of descriptions of European cities, which are lost in the multitude of data generally concerning fortresses mentioned by name. Maksimović 1980: 38 ff.; Bavant 2004: 341–342.

97 Metropolises named after Justinian: Feissel 2003: 356 fn. 366. One of the most important elements of criticism against Procopius as the author of *De aedificiis* is the accusation that his account overlooks entire regions and the descriptions of individual places lack proportion: Roques 2000: 36 ff. Drawing up a map of all the places mentioned in this and his other works may be helpful for establishing not only his knowledge of the geography of the Empire, but also e.g. the importance of individual regions from the perspective of the message of individual works. Elements of such an analysis were used by Cameron 1985: 171 ff., 188 ff. in her characteristics of Procopius' works with respect to Italy and Africa.

98 Commentary: Rubin 1954: 307 ff.; Grotowski 2006: 154 ff.; Wolińska 2008: 35 ff.; Roques 2011: 222 ff. The borderland between the Empire and Persia: Dignas, Winter 2005: 37 ff.

99 Compared to the other descriptions of cities in the entire book, the depiction of Theodosiopolis stands out: Roques 2000: 33; Garsoïan 1991: 2054. Commentary: Roques 2011: 234 fn. 66 f.

100 The military reform in the Armenian lands: Jones 1964: 271; Regesten 532. The figure and achievements of the first commander Sittas: Wolińska 2010: 155–170.

erected by Justinian (III 2, 1–13).[101] In comparison, the description of Melitene is a little shorter, but it clearly stands out among the other depictions of Armenian cities as a result of a comprehensive account of its history (III 4, 15–20). Procopius starts by showing the very modest beginnings of the city situated not far from the Euphrates River. This was a place where a Roman legion was posted:

> Ἦν δέ τι χωρίον ἐν τοῖς Ἀρμενίοις τὸ παλαιὸν μικροῖς καλουμένοις οὐ πολλῷ ἄποθεν ποταμοῦ Εὐφράτου, ἐφ᾽ οὗ δὴ λόχος Ῥωμαίων στρατιωτῶν ἵδρυτο. Μελιτηνὴ μεν τὸ χωρίον, λεγεὼν δὲ ὁ λόχος ἐπωνομάζετο. (III 4, 15–16)

Initially, barracks were built, and in the times of Emperor Trajan the place received the rank of a city and became the metropolis of the Armenians. Soon after, the city became large and populous:

> μετὰ δὲ Τραϊανῷ τῷ Ῥωμαίων αὐτοκράτορι δεδογμένον, ἐς πόλεώς τε ἀξίωμα ὁ χῶρος ἀφῖκται καὶ μητρόπολις κατέστη τῷ ἔθνει. προϊόντος δὲ τοῦ χρόνου ἐγένετο ἡ τῶν Μελιτηνῶν πόλις μεγάλη καὶ πολυάνθρωπος. (III 4, 17)

Further expansion of Melitene took place in an area outside the encampment, where public buildings were erected. Despite its size and significance the city was not fortified properly and it was only later that Justinian surrounded it entirely with a wall, which in itself might have been reason enough for Procopius to mention it. We know from other sources that Melitene was the capital of the province and as such it had the status of metropolis.[102] If, however, we take the entirety of Procopius' description of Armenia as a background for evaluating the account of this city, it will become clear that it was presented as something of a capital of Roman Armenia, and emphasising its size and large population meant that it was also shown as the largest city of the Armenians. This was achieved, on the one hand, by overlooking Sebastea,[103] and on the

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[101] The description of Martyropolis also stands out: Roques 2000: 33; Whitby 1984: 177 ff.; Mango 1991c: 1309; Roques 2011: 228 fn. 28.

[102] Melitene was presented as the most important city in Lesser Armenia: Procopius, *De bell.* I 17, 21. At the beginning of Justinian's reign, according to Hierocles, the capital of the province of Armenia II was Melitene: Hierocles 703, 6; 703, 7; Ruge 1931: 545; Hild, Restle 1981: 233–237; Roques 2011: 234 fn. 62.

[103] Baumgartner 1896: 1181–1186; Jones 1971: 223 ff.; Stopka 2002: 63 ff. It was divided into two provinces. The capital of Armenia I was Sebastea. The city was merely mentioned by Procopius because Justinian rebuilt its walls (III 4, 11): Hild, Restle 1981: 274–276; Foss 1991e: 1861–1862; Roques 2011: 232 fn. 55.

other hand, by a skilful use of the term 'metropolis.'[104] Procopius never gave a reason for such a deep interest in the history of Melitene, but he consistently emphasised its size and outstanding position in the region. Looking at the historical context, we could point out great changes that Justinian introduced in the civilian administration of Armenia, creating four in the place of two provinces of this name.[105] The reform of the defence system in these areas led to further transformations, which had a negative impact on Melitene's position and, objectively, this seems to be the only explanation for the desire to emphasise its significance, as we know nothing about Procopius' personal motives following from e.g. his ties with the city.

Discussing Justinian's fortification works in Cappadocia, Procopius limited himself to just two cities.[106] In Caesarea, shown as a large city, the Emperor built a proper wall, reducing the area inside it, as a result of which it was possible to defend it effectively, especially as he also posted a garrison there. The ruler also showed interest in the deteriorated stronghold at Mokissos: Ἦν δέ τι φρούριον ἐν Καππαδόκαις Μωκησὸς ὄνομα, (V 4, 15).[107] The Emperor ordered very extensive repair works, choosing a well-situated place for the new stronghold, as a result of which a well-fortified city was born (IV 4, 16), where churches and other buildings were erected. It was described as a prosperous city which rose to the rank of a metropolis:

> ἔνθα δὴ καὶ ἱερὰ τεμένη πολλὰ καὶ ξενῶνας καὶ λουτρῶνας ἐν δημοσίῳ ἐδείματο καὶ ὅσα ἄλλα ἐνδείκνυται πόλιν εὐδαίμονα. ἐξ οὗ δὴ καὶ εἰς μητροπόλεως ἀξίωμα ἦλθεν: οὕτω γὰρ πόλιν τὴν πρώτην τοῦ ἔθνους καλοῦσι Ῥωμαῖοι. (IV 4, 17–18)

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[104] Procopius writes metaphorically, calling Melitene the metropolis of the people, and he writes about Lesser Armenia. In comparison to other phrases specifying the status of a given city in legal texts, this can be regarded as correct in order to reflect the city's position as a rightful metropolis, i.e. the capital of a province. In Justinian's constitutions: Maas 1986: 19.

[105] Changes in the organisation of the administration and province borders introduced by Novel XXXI: *CIC* III: 235–239; Regesten 1111; Jones 1971: 223 ff.; Feissel 2003: 356 fn. 367. Transformations in the administration of these lands were not recorded by Armenian sources at all, which may mean that in the eyes of the local community it was not a significant change: Thomson 2000: 672. The *prooimion* of the constitution introducing these changes has no information about this people: Maas 1986: 22, which may have had an influence on Procopius, who included this information in his work.

[106] Ruge 1919: 1910–1917; Jones 1971: 174; Hild, Restle 1981: 41 ff., 62 ff. Cesarea, the capital of the province of Cappadocia I: Ruge 1897: 1289.

[107] Ruge 1932: 2514. Honigmann finds Mokissos in Hierocles 701, 1. He assumes changes in the province of Cappadocia in relation to this city's promotion: idem 1929: 2373 ff. Claude (1969: 157 ff.) believed Mokissos to be an example of a city established by Justinian which most resembled the case of Justiniana Prima, emphasising its promotion from village to city. Roques 2011: 378 fn. 37.

In itself, the use of the term 'metropolis' in the description of Mokissos as a testimony of the city's elevation did not arouse much interest among historians, since other sources confirm this situation. What was unclear was the exact scale of the centre's promotion due to the situation in the Church organisation. It follows from Procopius' wording that Mokissos received the honour, not the rights, of a metropolis.[108] In this context the account devoted to this city in *De aedificiis* starts to seem clearly involved, since it could give an impression that it was the second most important city in Cappadocia. However, Mokissos was known as, in fact, a second-rate centre situated in Cappadocia II, whose capital was the famous city of Tyana.[109] Perhaps, then, Procopius' broader meaning of the term 'metropolis' in reference to Mokissos should not be perceived as a reflection of the weakness of his technique or his naivety[110] manifesting itself in explaining the obvious, but as a deliberate suggestion to the reader that this city had an outstanding position as the principal city in the province. In Procopius' account of broadly defined Cappadocia, apart from the unquestionable role of Caesarea, it is Mokissos's importance that is emphasised, without giving the information about it being named Justiniana.[111] Also in Cappadocia, Justinian carried out a thorough reorganisation of the administration and objectively speaking the situation in the area changed in this regard only, but Procopius gives us no clue which would connect these changes with Mokissos.[112] We can only assume that, for reasons known only to himself, he thought it was important to underline the importance of a stronghold in Cappadocia which was not widely known.

The term 'metropolis' also appears in the description of the African city of Adramytos in Byzacena (VI 6, 1–7).[113] This is not the most important portrayal

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[108] Hild, Restle 1981: 238–239; Belke 2000: 124–125 fn. 83. The ecclesiastical organisation of the province: Hild, Restle 1981: 113 fn. 11, it was concluded that an ecclesiastical province was established for Mokissos. The earliest trace of the city's promotion was the high position of its Bishop Peter: *ACO* III 239, 256.

[109] Tyana: Hierocles 700, 2. Jones 1971: 182 ff.; Hild, Restle 1981: 298–299.

[110] Cameron 1985: 128.

[111] Apart from the building works, the city was given the honour of metropolis and the Emperor's name, which determined its inclusion in an analysis of information about Justiniana Prima: Grabar 1948: 51.

[112] Novel XXX: *CIC* III: 223–235. Regesten 1110. Cappadocia was diminished to the benefit of Armenia: Thomson 2000: 672. It is assumed that the administrative reforms in Cappadocia may have been a blow against the local aristocracy: Hendy 1985: 103 ff.

[113] The old name from the Roman times was Hadrumentum: Desau 1912: 2178–2180; Roques 2011: 424 fn. 71. Byzacena was mentioned as a province within the prefecture of Africa; see Chapter V.

in Book VI of *De aedificiis*, as the account of Leptis Magna decisively stands out as the longest.[114] Procopius presents Adramytos itself as a large and populous city from ancient times, which received the honour and name of metropolis because it was first in terms of size and prosperity:

> Ἐν Βυζακίῳ δὲ πόλις, Ἀδράμυτος ὄνομα, ἐν τῇ παραλίᾳ οἰκεῖται, μεγάλη καὶ πολυάνθρωπος ἐκ παλαιοῦ οὖσα, καὶ δι᾽ αὐτὸ τὸ τῆς μητροπόλεως ὄνομά τε καὶ ἀξίωμα κληρωσαμένη ἐν ταύτῃ τῇ χώρᾳ, ἐπεὶ πρώτην αὐτὴν μεγέθει τε καὶ τῇ ἄλλῃ εὐδαιμονίᾳ ξυμβαίνει εἶναι. (VI 6, 1)

This kind of description can be regarded as quite imprecise, because the position and status of Adramytos were higher than it would follow from the literal interpretation of the text. The city was the capital of Byzacena and for this reason it should have had the full rights that other metropolises boasted, not just the name and honour. In this case Procopius also failed to specify what made him decide to highlight this centre in his account by referring to it as a metropolis. It cannot be ruled out that by characterising it in this way, the writer was guided by his own viewpoint, based on e.g. memories or sentiment.[115] Adramytos, stripped of its walls by the Vandals, was exposed to Mauritanian attacks. Right after Belisarius' victory, the city also suffered losses during fights against rebels, which Procopius did not mention in his account in *De aedificiis*; on the other hand, he did emphasise the contribution of Emperor Justinian, who surrounded the city with walls, ensuring its safety. The grateful inhabitants reportedly named the city after him in his recognition (VI 6, 7).[116] In Byzacena, the position of this city as the local centre was unthreatened and only its ecclesiastical status could have been lower than it would follow from the fact that it was a province capital, due to the specific character of the local Church organisation.[117]

Analysing the descriptions of the cities which Procopius calls metropolises, we can point out some common distinguishing features: grand public buildings or generally their size, large area, population, and vaguely defined

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[114] Leptis Magna, a city in Tripolitania which a long description was devoted to, which stands out in the account about Africa: Roques 2000: 33; Cameron 1985: 182; Roques 2011: 418 fn. 41. The city had 40 ha, then 28 ha within the wall: Liebeschuetz 2001: 101.

[115] A discussion of the city's situation according to Procopius' account: Cameron 1985: 182 ff. The size of the city's fortifications is disappointing – only 2,5 ha within the walls: Liebeschuetz 2001: 101.

[116] During the war operations in Africa: Procopius, *De bell.* IV 23, 11 ff.; 27, 26 ff.; 27, 32; Rubin 1954: 152 ff.; Grotowski 2006: 264 fn. 588 and 589.

[117] The ecclesiastical organisation in Africa – see Chapter V. Also the military significance in Byzacena's defence system: Claude 1969: 189 fn. 256.

prosperity.[118] Their portrayals contain information about the contributions of the Emperor, who ensured their safety by building fortifications. Melitene and Adramytos were mentioned earlier, in the account of Justinian's wars, unlike Mokissos. The three cities were metropolises in the legal sense, which is confirmed by other, independent sources, although Mokissos probably possessed only the honour. Using analogy, we might therefore hypothesise that Procopius' description of Justiniana Prima as a metropolis was not baseless, since in the other cases the author did not deviate from the objective truth. However, such an argumentation does not seem valid for two reasons. Firstly, looking at the very description of the centre, it is conspicuous how different, in the negative sense, it is from the other ones. In this context, it is equally as likely that attributing the rank of metropolis to Justiniana Prima was the initiative of Procopius himself, who called the city a metropolis for prestigious reasons, convinced that it would meet the ruler's expectations. Secondly, the fact that Emperor Justinian himself did not find it appropriate to mention this in Novel XI also indicates that Justiniana Prima did not have the rank of a civil metropolis; including this information would have lent considerably more credence to his intention of transferring the seat of the praetorian prefect to this centre, which would have already played an important role in the state administration.

A comprehensive evaluation of Procopius' account of the Emperor's native land in the context of the whole content of *De aedificiis* should definitely emphasise the fact that writing on this subject was a very difficult task for the author, probably due to the lack of sources. It was only his good writing technique that enabled him to create a description which has a high literary, but unfortunately not historical, value. This is not only because of the lack of any precise information about Justiniana Prima as a city and about its status in the state administration, but also because of the way its position in the ecclesiastical organisation was showed. As we have already mentioned, Procopius' account stands out because it links the significance of the local Church with the size of the city and because it does not mention the personal motive that officially was supposed to inspire Justinian to found this archbishopric. Considering the entire analysis, it seems most likely that in the case of the description of Justiniana Prima in the broadly defined system of administration, Procopius' main source of information was Novel XI. The content of this document may have inspired him to highlight the role of the city and at the same time convinced him of the

[118] An overview of descriptions concerning the characteristics of cities called metropolises in Procopius: Rebanoglou 2005: 153.

city's significance for the Emperor. Therefore he probably thought it would be appropriate, despite the shortage of information, to include a description of Justinian's native land, presuming that the Emperor would have wanted it. It seems that phrases such as 'the Emperor's fatherland,' 'metropolis,' or the name of the priest in charge of the local Church may have come from this document.[119]

The account of Emperor Justinian's origin and the building works he undertook in his native country contained in Book IV of Procopius' *De aedificiis*, mainly the information about the foundation of Justiniana Prima, is probably a literary description of the ruler's building accomplishments, a fragment of an extensive work on the subject, and there is nothing to indicate that its creation was directly influenced by Justinian or that there was a clear connection with this ruler's policy, which would justify treating the foundation of this city as e.g. a special achievement, symbol, example, or 'showcase' for his entire reign. If the fragment about Justiniana Prima had been supposed to play a special ideological role for the Emperor or his reign, even disregarding the problem of its presentation in terms of length and sources, it should have been placed at the beginning of the work, preferably incorporated into the fragment of the introduction: I 1, 6–19. As we have mentioned, using this account for reconstructing the situation in Justinian's times requires a thorough analysis in order to establish its credibility in its entirety, fragments, and descriptions of individual facts. It seems that on the basis of the analysis carried out so far we can make a preliminary assumption that Procopius did not deliberately give false information, which is evident from the description of Justinian's origin and the use of the term 'metropolis' when characterising the significance of cities. Even though he made sure to present the Emperor in the best possible light, as a mythical 'Dardanian,' which was certainly meant to distinguish him, considering his very modest origin, he defined the area connected with the ruler's native land so broadly that he included Dacia Mediterranea and in the end he painted a picture consistent with the declaration of Justinian himself, as recorded in Novel XI. Access to information used as the material for constructing and presenting his own vision of the reality within the genre and with his own end in mind was what influenced the factual content of Procopius' description of Justiniana Prima the most. Therefore, we should be very careful when interpreting his statements about the intention to write an ecclesiastical history, since an analysis of his competence in the light of the

[119] The legal texts used by Procopius: Kaldellis 2004: 222 ff. Markus (1979: 280) noted the use of this phrase.

description of Justiniana Prima does not demonstrate that he was prepared for meeting this challenge.

We cannot find a reliable reference point in order to complement and verify the information of Procopius of Caesarea because the sources he used are not known and other accounts usually focus only on selected aspects of the history of Justiniana Prima, or are devoted only to the Emperor's origin. In order to reconstruct the historical context and Justinian's plans related to honouring his birthplace, we can use first of all the information contained in the works of John Malalas, Agathias of Myrina, and Pseudo-Zacharias Rhetor. At the beginning of Book XVIII of his *Chronographia*, Malalas presents Justinian as the new Emperor, who succeeded Justin, and very briefly remarks on his origin, mentioning Bederiana.[120]

> καὶ αὐτὸς δὲ ὢν Θρᾷξ ἀπὸ Βεδεριάνας. τὴν δὲ Ῥωμαϊκὴν γλῶσσαν ὁμιλῶν ἐσφάλλετο, [121]

The same chronicler includes similar information when presenting Justin at the beginning of Book XVII. Reportedly Justin was also a Thracian from Bederiana.

> ἀπὸ Βεδεριάνας ὢν Θρᾷξ.[122]

The native land of Justin and Justinian's family, specified in reference to the nearest significant settlement in the area, was identified correctly, i.e. it is the same as in the other accounts. When the work was created and what he left out of it is of fundamental importance in the case of this writer. We should appreciate the multitude of varied data which he included in his description of Justinian's reign, and it is in this context that the complete omission of the topic of Justiniana Prima becomes particularly significant. This might be used to support the hypothesis about the small significance of the centre, which remained unknown as a city and bishopric in the eastern part of the Empire. It seems equally as likely to presume that the Emperor conducted no propaganda campaign in order to draw attention to the foundation of the city in his birthplace.[123]

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[120] A discussion of issues related to Malalas' account of the times of Justinian's reign: Janiszewski 1999: 172 ff.; Treadgold 2007: 235 ff.; Jeffreys 2000: 73, 78; Jeffreys 2003: 497 ff.

[121] Malalas 354, 11–12.

[122] Malalas 336, 5.

[123] Malalas may have used what Justinian told his subjects in his propaganda as his source of information: Scott 1985: 99 ff.

Agathias of Myrina, writing his *Histories* devoted to Justinian probably in 579–582, mentioned the native land of Emperor Justinian when describing Zabergan's invasion of the Empire in 559.[124] The defence of Thracian Chersonese against the barbarians was very deftly led by a young commander, Germanos, son of Dorotheus and member of the Emperor's family.[125] Justinian had brought his relative to the capital city and provided him with education, and then sent him to Chersonese as commander. According to Agathias, Germanos came from a city which used to be called Bederiana, which was also the birthplace of Justinian. The Emperor named the city Justiniana Prima and made it prosperous, embellishing it with public buildings.[126]

> πατρὶς δὲ ἦν αὐτῷ πόλις Ἰλλυρική, Βεδεριανὰ μὲν ἐκ παλαιοῦ ὀνομαζομένη, ὕστερον δὲ Πρώτη Ἰουστινιανὴ μετακληθεῖσα· Ἰουστινιανὸς γὰρ ὁ βασιλεύς, ἅτε δὴ κατ᾽ αὐτὴν εἰς φῶς προηγμένος, ἐκόσμησέ τε εἰκότως τὴν πατρίδα ἔργοις ποικίλοις καὶ ἐξ ἀφανοῦς εὐδαίμονα ἐξειργάσατο καὶ τῆς οἰκείας αὐτῇ μεταδέδωκε προσηγορίας.

A statement worded this way, in which Bederiana is renamed Justiniana Prima, and Justinian's building activity is mentioned, allows us to conclude with reasonable certainty that Agathias may have used Procopius' work or that he was guided by a similar conviction that Justiniana Prima should have been a prosperous city. What is an interesting novelty is the direct identification of Justiniana Prima with Bederiana, which perhaps should make us reflect on whether the Emperor indeed used the existing centre as a starting point for building a city with a new name, meant to honour his birthplace. After Justinian's death this fact could be reported without the fear of offending the ruler.

In the context of Agathias' information, it is worth recalling the data about Emperor Justin's origin, contained in the partially surviving *Chronicle* of John of Antioch, probably written at the beginning of the 7th century.[127] An expedition against rebels was led to Phrygia by two commanders, John the Scythian and John the Hunchback, and the officers included Justin, from Bederiana near Naissos in Illyricum:

> δὲ Ἰουστῖνος ἐκ Βεδεριάνης φρουρίου πλησιάζοντος Ναισσῷ τῇ Ἰλλυρίδι[128]

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[124] On Agathias and his works: Janiszewski 1999: 52; Cataudella 2003: 417 ff.; Brodka 2004: 121; Treadgold 2007: 279 ff.

[125] Germanus 4 – *PLRE IIIa*: 528.

[126] Agathias 190, 25–29.

[127] John of Antioch and his work: Ioannes 299 – *PLRE IIIa*: 711; Janiszewski 1999: 175–177; Roberto 2005: XI ff.

[128] John of Antioch, Fr 308, 48–49, p. 532; Meier 2009: 79–82.

If the accounts about the origins of Justin and Justinian provided by writers contemporary to them do not contain details about the existence of Justiniana Prima, they at least mention Bederiana as the most significant city in their native land. It seems that Justinian did not lead a propaganda campaign in order to spread information about his origin and birthplace, or the foundation of Justiniana Prima itself. This is probably the only feasible explanation why the sources so consistently mention Bederiana.

Relatively many details about the origin and native country of Emperors Justin and Justinian can be found in the chronicle composed in Syrian by a writer called Pseudo-Zachariah Rhetor.[129] In the version that survives today it is dated to ca. 568/569.[130] Unfortunately, it is very difficult to determine the source and therefore credibility of the data about the rulers in question.[131] The author, describing the death of Emperor Anastasius, depicted the character, origin, and career of his successor, Justin:

> *et ei successit Iustinus, qui in exercitu cum* στρατηγοῖς *descendit, quando Qawadh rex Persarum Amidam venit. Et vir senex fuit facie pulcer canis capillis, et illiteratus fuit; et de fide sentientiam filiorum Romae participabat, quoniam ex ea dicione fuit, e castris quae vocantur Mauriana (?), quorum aqua mala est, et decocta in sanguinem convertitur*.[132]

In the account of Justin's ascension to power, he systematically recalled information about his old age, appearance, descent from Illyricum, and lack of education.[133] Similar data about this area appeared when he described the beginning of the rule of Justinian, who was the son of Justin's sister. As far as the native city of the new Emperor was concerned, Justinian reportedly ordered a great city to be built, bestowed privileges on the place and posted a garrison there. The water at Bederiana was bad, so it had to be brought in from afar:

> *Et mandavit de Castris Maurianis (?) suis et ut urbs magna condita sunt, et* προνόμια *eis data sunt, et exercitus etiam in eis collocatus est; et aqua in ea e longinquo introducta est quod aqua eorum mala erat*.[134]

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[129] Baldwin, Griffith 1991: 2218; Janiszewski 1999: 113; Vasiliev 1950: 24 ff.; Greatrex 2011: 32 ff.

[130] Greatrex 2011: 65 ff.

[131] The sources about Justinian's times are discussed by Greatrex 2011: 55–56. The entire subject matter requires additional analyses including other works.

[132] Pseudo-Zachariah Rhetor VII, 14 (Brooks 1924: 40, 16–22; *castro Mauriana Illyrici*). A commentary: Greatrex 2011: 277 fn. 225. An overview of the entire oriental tradition: Vasiliev 1950: 22 ff.

[133] Pseudo-Zachariah Rhetor VIII, 1 (Brooks 1924: 41, 23–26). Commentary: Greatrex 2011: 279–280.

[134] Pseudo-Zachariah Rhetor IX, 1 (Brooks 1924: 63, 1–4). In his commentary Greatrex (2011: 316 fn. 19) reports the identification of the described city with Caričin Grad.

The account of Pseudo-Zachariah Rhetor is unique and introduces completely new information, which enables us to look at Justinian's native land from a different perspective. It is particularly worth noting that Bederiana is clearly recognised as a city erected by this ruler without any mention of renaming it after the Emperor, posting a garrison, or privileges. The writer very consistently reminds the reader of the poor quality of the water and the need to transport it into the city, whereas the topic of its size is known from different accounts. Due to the laconic wording of the fragment referring to the privileges granted to the city by the Emperor it cannot be specified what sphere the privileges belonged to. Referring to the broader context of the other descriptions of this kind within the work allows us to make only a rather conservative interpretation.[135] It is also significant what Pseudo-Zacharias did not mention: the ecclesiastical rank of the city, i.e. what really made the place which Justinian called his fatherland stand out. Using phrases implying Justinian's legal activities may have served to justify the imperial privileges for Justiniana Prima, connected with the foundation of the city or with facilities and incentives for people so that they would want to settle there.

Even such generally-worded information about privileges and a garrison in the city built by Justinian is important and encourages us to interpret it beyond the direct connection with the sphere of provincial administration and defending the borders. As a city which was an archbishop's seat and had numerous churches, Justiniana Prima must have been, like its Church, generously provided for, which involved issuing documents confirming incomes and investitures. As for the garrison, it was needed in order to ensure the safety of this place and was not necessarily related e.g. to the system of defending the state borders or to a direct threat posed by the barbarians. Even places of religious cult situated in the interior of the country were not safe, e.g. they were harassed by the Empire's own soldiers and required protection, which Justinian had already experienced during his co-regency with Justin.[136]

Even though our findings are highly hypothetical, it is possible to systematise the source data on Justiniana Prima, assuming that at the beginning of Justinian's rule an idea was born to build a city to honour his birthplace. This did not escape the notice of the opponents of Justin and Justinian's religious policy in the east of the Empire, who treated their friendlier relations with Rome as a dissent. For that reason, these people searched for signs indicating a lack of God's support for

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[135] The description of Rome and privileges given to this centre by Theodoric is similar with respect to the phrases used: Pseudo-Zachariah Rhetor VII 13. This is why Claude (1969: 195 fn. 1) applies this to typical privileges given to cities, meaning exemptions from duties. No commentary or juxtaposition of the two descriptions in Greatrex 2011: 274 fn. 211.

[136] Regesten 495. Vasiliev 1950: 407 ff.; Brandes 1989: 47.

the Emperor building a great city, which was identified with nearby Bederiana. This seems to imply that the Emperor started the construction works without naming the city. Difficulties with poor water probably led to delays and to scaling down the ruler's plans; he gave up the large-scale works and concentrated on religious buildings near Bederiana. Taking into account Procopius' information, we can presume that the works started simultaneously in several places in the area where the Emperor was born, because in the reality at the time, in order to impress the contemporaries and posterity by creating a great city one had to designate several hundred hectares for building up. In such a case, the places mentioned by Procopius in his description of the Emperor's native land would fall within this city or in its closest vicinity. Perhaps, in the face of the problems with water, Tauresion was fortified and then works near it were abandoned, while the expansion of Bederiana or the foundation of a city in its immediate vicinity became the point of focus. Since there was a functioning stronghold there, the water must have been potable. An aqueduct could have improved the supply of good quality water and made it possible to erect a city despite such unfavourable circumstances. However, it was not a centre that could satisfy Justinian's ambitions and match his resources as a ruler of such a prosperous and powerful state. Nevertheless, in the end, the creation of Justiniana Prima enabled the Emperor to save face in a really difficult situation, since people opposed to his religious policy could not claim that God was unsympathetic to his plans; however, there was nothing to boast about. The newly-built city, its inhabitants, and the local Church were probably granted imperial privileges, e.g. as regards taxation. Apparently, Justinian did not conduct a propaganda campaign in order to spread the word about the creation of Justiniana Prima, which is probably why Malalas and John of Antioch remained silent on the subject. Procopius, deeply convinced that it was necessary to emphasise Justinian's contributions, established the exact place of the Emperor's birth and, characterising the city, acted under the influence of its name and status in the ecclesiastical organisation. This may be why he distinguished between Tauresion, Bederiana, and the spot where the new city was to be built. It was probably information concerning the earliest stage of the works, when the Emperor was hoping to solve the problem of supplying the city with water. He later limited himself to the works in Bederiana, where a stronghold had existed, which suggests that with the additional supply of water from an aqueduct it was possible for a city and a Church centre to function there.

Chapter IV: The history of Aquis in Justinian's times

Novel XI is an important and previously underutilised source also with regard to the history of the administration in Illyricum during Justinian's reign.[1] The information about Aquis in this constitution serves not only to recreate the history of this city, but is also a reference point for analysing Procopius of Caesarea's *De aedificiis*. In Book IV of the work, he contained a vast source material about the building activity in Europe in Late Antiquity, without providing any clues as to the chronology of the conducted works, which he generally attributed to Justinian. This obstructs the reconstruction of the process of restoring the Empire's rule in the territories on the Danube after the great wars which had gone on, with some intervals, from the late 370s to the end of the 480s.[2] During that time, the continuous functioning of many cities was interrupted and frequently it is not clear whether e.g. the centres which reappear in the sources in the 6th century are continuations of the cities which had existed in the same place, or whether they kept the old name but were rebuilt in a different place. Mentions about one city rarely appear in several different accounts, so if such a situation does take place, it should at least enable us to deepen the analysis to some extent and thus to obtain a better understanding of the entire situation in the region. Considering the condition of the sources, the history of the city of Aquis in Dacia Ripensis in Late Antiquity should be treated as completely unique, since several sources mention it. However, rather than advancing the research, this has led to confusion and creation of mutually exclusive hypotheses mainly concerning the city's significance in the administrative system. Findings regarding this centre

[1] This was noted by Maksimović (1984: 143), but he did not attempt to analyse this source from this angle. Legal sources play an important role in the verification of works on historical geography, particularly that of Hierocles: Jones 1971: 515 ff.

[2] The situation in the Balkans in Late Antiquity is difficult to evaluate definitively, which is visible in the main publications on this subject: Lemerle 1954: 270 ff.; Whitby 2000b: 717 ff.; Salamon 2008: 173 ff.

can be complicated even further if we take the data from the earlier period into account.[3]

Today it is very difficult to find comprehensive and definitive findings concerning the significance and role of Aquis in the Empire's administrative system in Late Antiquity. The surviving written information about this centre from the best-documented period of Justinian's reign has not even been organised. Reading the existing publications, one could get an impression that it has become normal to use out-of-context fragments of some sources mentioning Aquis, which stems from the wish to create a seemingly 'rational' (that is, free of evident contradictions), and sometimes even 'correct' (i.e. based on the legal reality of the Empire in Late Antiquity and on as many sources as possible) history of this city.[4] There is a lack of a comprehensive analysis which would take into account the results of a critical analysis and literal interpretation of the main sources on Aquis on the one hand, and which would be well-grounded in the historical context on the other hand. An overview of the situation in the territories on the Middle Danube and in Italy will serve as an excellent background for reflections on the situation of the Bishopric of Aquis and, more broadly, of the ecclesiastical organisation in the areas on the Danube, and on the role of bishops in Late Antiquity.

The foundation and growth of Aquis under the Roman rule was determined, first of all, by its excellent location on the route connecting Viminacium and Ratiaria, which played an important role not only in the communication system between the centres on the Danube, but also in contacts with the south via Naissos.[5] The position of Aquis as the centre of the region in the 4th century seems to be reflected in the fact that the city had its own bishopric.[6] Wars against the Goths and Hun invasions probably led to the collapse of the city, which was revived some time later and recorded in the sources from the 6th and early 7th centuries, which indicates that this centre had had a solid base for functioning since Justinian's times. Towards the end of the 6th century, the situation of Aquis rapidly deteriorated as a result of Avar and Slav invasions. At the time, the city played an important role in the system of defending the Empire's borders on the Danube, as follows from the descriptions of military

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[3] The problem with using Procopius' information together with data from the earlier period can be seen in some conclusions, e.g. Mócsy 1970: 110 ff.; Dušanić 1977: 74–75.

[4] As illustrated by comprehensive publications which take into account historical and archaeological sources: Janković 1981; Mócsy 1970: 118 ff.; Mirković 1995: 206 ff.

[5] The excellent location was noted by Tomaschek 1895: 294; Mócsy 1970: 118 ff.; Mirković 1995: 206 ff.

[6] Bishop Vitalis of Aquis participated in the Council of Serdica: Mansi III: 88; Zeiller 1918: 155; Velkov 1977: 246.

activities from the times of Emperor Maurice in Theophylact Simocatta.[7] The later history of this centre is unknown, but we can presume that it was finally destroyed at the time when the Byzantine rule in the Balkans was coming to an end, at the beginning of Heraclius' reign.

The problem of Aquis' dependence on Meridio and the necessity to establish the location of both these cities made it much more difficult to reconstruct the process of Aquis being rebuilt and regaining the position of an important Byzantine hold on the Danube in the 6th century. In the case of Meridio, an absurd interpretation which identified it with Mesembria on the Black Sea did not raise objections for two hundred years.[8] The most likely identification of the city and Bishopric of Meridio mentioned in Novel XI seems to be with a fortress mentioned by Procopius among the strongholds in the vicinity of Aquis. More precise findings concerning the location of Aquis are of fundamental importance for the reconstruction of the situation in the region, because possible locations of this centre were determined depending on the method of interpreting traces and historical monuments in the field.[9] Today, Aquis is identified with the Late Antique ruins situated in the vicinity of present-day Prahovo.[10] Other locations, placing this centre further away from the Danube near Negotin in north-western Serbia, still appear in the literature.[11] Establishing Aquis' location near Prahovo on the Danube is of considerable

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7 Theophylact Simocatta I 8, 10. Commentary – Schreiner 1985: 250 fn. 119, 335 fn. 906; Velkov 1987: 161 ff.; Whitby 1988: 147.

8 Le Quien 1740: 281; Zachariae 1965: 3 ff. Tomaschek (1931: 1031) unfortunately takes only Procopius' data into account. Honigmann (1939–44: 148 ff.) was the first to look into and discuss the entire problem. Janković (1981: 52) accepts the identification of Meridio with Rimski Grad. Mirković (1997: 56) does not give a location. According to Sarantis 2009: 24, Novel XI: 'interestingly refers to removal of Aquis in Dacia Ripensis from the authority of the *meridiano episcopo*, presumably the archbishop of Thessalonica.'

9 When trying to establish the location of Aquis, the neighbouring settlements located within a few kilometres south of Prahovo were long taken into consideration: Vidrovac or Vidrovgrad near Negotin, and the ruins near Prahovo used to be identified with Clevora at the time. In the works of great experts on the historical geography of the territories on the Danube, the area in which Aquis was situated was large – Tomaschek 1895: 294–2; Saria 1958: 2014; Patsch 1900a: 21.

10 Today this location seems to be certain: Mirković 1977: 828; Janković 1981: 121 ff.; Dintchev 1999: 46; Ćurčić 2010: 180; Roques 2011: 316 fn. 105.

11 This led to (fn. 9) the appearance of locations other than Prahovo in the literature: Velkov 1987: 164; Beševliev 1970: 44, 112, 117; Honigmann 1939–1944: 149 ff. Mócsy (1970: 115) attempted to reconstruct the history of Aquis in a wider timeframe and he concluded that there were two such towns in the province of Dacia Ripensis. One was situated in the vicinity of Negotin and the bishopric functioned there in the 4th century. He identified the other with a settlement located in the area of present-day Gamzigrad and believed it to be Aquis because it would correspond better with the significance of this town as Procopius' centre

importance, because it would perfectly explain the city's significance in the Empire's defence system in Late Antiquity, due to its role as a port.[12] The city's impressive (considering the circumstances) size of 29 hectares within the walls and the river port meant that it could also have been a prominent economic centre.[13]

The fragment of Novel XI devoted to Aquis enables us not only to easily identify Justinian's goal in ordering to create a bishopric there, but also to reconstruct the relations within the administration.[14]

> *Sed et in Aquis, quae est provinciae Daciae ripensis, ordinari volumus a tua sanctitate episcopum, ut non in posterum sub Meridiano episcopo sit constituta: sed Meridianus quidem maneat in Meridio, nulla ei communione cum Aquis servanda; Aquensis autem episcopus habeat praefatam civitatem et omnia eius castella et territoria et ecclesias, ut possit Bonosiacorum scelus ex ea civitate et terra repellere vel in orthodoxam fidem transformare.*

The Emperor saw the need to establish the Bishopric of Aquis, specified the area under its jurisdiction which, it follows from the text, corresponded with the area of the city, and set a task for the bishop. It clearly follows from the text that Aquis was a city, that it did not have its own bishop, and that it only became a separate bishopric as a result of Justinian's decision.[15] The power of the Bishop of Meridio was restricted to Meridio, and the Bishop of Aquis, appointed by the Emperor's wish, was granted ecclesiastical jurisdiction over the city and its territory. It is worth noting that the territories, fortresses, and churches subject to the two Bishops were not mentioned by name. We can guess that it was obvious for all state and ecclesiastical officials where the borders of Aquis and Meridio ran. Since the Emperor clearly separated the jurisdiction of the Bishops of Aquis and Meridio,

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of the region. Similarly, Whitby (1986: 241 and maps no. 1 and 3) identified Aquis with Gamzigrad and situated it inland.

12 Jovanović 1996: 263–264. It seems that it may have been an important port, as far as it can be established today: Petrović, Vasić 1996: 15–26, traces of the port (pp. 19–20) and two necropoleis east and west of the city.

13 Dintchev 1999: 46. It is possible that there was a local centre of buckle manufacturing in Aquis: Janković 1981: 126 ff.

14 *CIC* III: 94, 29–33; see Chapter II.

15 Velkov (1977: 87) assumes that prior to 535 the Bishop of Aquis was subject to the Bishop of Meridio. Ivanov (1984: 45 fn. 71) concludes that Justinian established the Bishopric of Aquis with the seat in Meridio; elsewhere (p. 50) he writes about separating the Bishopric of Aquis from Meridio. Mirković (2007: 103) calls Meridio a metropolis without offering any comments.

and in the latter case ordered the local bishop to carry out his duties solely in Meridio, it should be assumed that the centre had already had such an ecclesiastical status and its legal situation was clear and undisputed. It seems that prior to 535 Meridio was a bishopric and given that Novel XI does not mention any division of urban territory following the creation of the Bishopric of Aquis, it must be assumed that it was also a city with its own territory.[16] In light of the provisions of Novel XI, before 535 in Dacia Ripensis the Bishop of the city of Meridio had ecclesiastical jurisdiction over a neighbouring town without a bishopric.[17] In his letters, Pope Gregory the Great showed practical methods of providing religious services to followers in cities without bishops. During the military operations against the Ostrogoths, many centres suffered, which led to the escape of either their population or bishops. At the same time, new settlements and strongholds were built, which needed to be provided with priests. The appearance of the Langobards complicated the situation, as it obstructed and delayed putting the ecclesiastical administration into order. Gregory the Great combined bishoprics, moved bishops' seats from some cities to safer places, or ordered neighbouring bishops to consecrate priests in cities where there were no local clergy.[18] If we consider a broader historical context, it is very easy to find examples of a flexible policy of the ecclesiastical and state authorities, striving to guarantee efficient functioning of various agencies of the administration on the one hand, and to ensure that the population had at least minimum chances of survival on the other hand.

In the case of Aquis, Novel XI contains very precise data concerning the jurisdiction of the local bishop. The paragraph was probably worded so precisely, enumerating all the smaller units of the state and ecclesiastical administration, in order not to leave any doubt that they were subject to that bishop in Church matters. Such precision may have been dictated by the wish to avoid misunderstanding as to the jurisdiction of the Bishop of Aquis,

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[16] We need to analyse this account very thoroughly not only with regard to the content related to the city's significance from the viewpoint of the administration, or without using other sources, but we should also avoid overinterpretation like Mócsy 1970: 115 fn. 62. In order to prove the hypothesis about the existence of two cities named Aquis, he uses the silence of Novel XI on the restoration of the Bishopric of Aquis, which had existed in the 4th century.

[17] There is no reason to consider, in connection with Novel XI, that e.g. the bishop's seat was moved from Meridio to Aquis: Janković 1981: 88.

[18] Letters of Saint Gregory: *Epp*. I 8; I 15; I 51; II 17; II 48; III 13. Fortresses played an important role in those turbulent times and their inhabitants also needed to be provided with religious services: II 51. I discuss this problem elsewhere.

which could have appeared in connection with the necessity for him to use repression against the Bonosians.[19] In Novel XI, Justinian twice referred to the territory under the Bishop of Aquis' jurisdiction: 1) when he expressed his wish to establish this bishopric by separating it from Meridio: *Aquensis autem episcopus habeat praefatam civitatem et omnia eius castella et territoria et ecclesias* (32); and 2) when ordering the bishop to fight heretics: *ex ea civitate et terra* (33). It clearly follows from these mentions that in legal terms, as an administrative unit, Aquis consisted of the city and its territory. The latter included fortresses, territories, and churches, which were thus listed, although it is difficult to say why. Perhaps it was because of their separate legal status in the internal structure of the city organisation.[20] It was important to Justinian to fight heretics, the followers of Bonosus, which is unsurprising in the context of his entire activity related to combating various heresies. In the case of going against them, the local bishop probably could have resorted to the help of the army, but there are no reasons to assume that the phrases used in the novel meant that he maintained military control of the strongholds.[21] Broadening the context of the analysis enables us to avoid constructing such hypotheses. Detailed information about life in the borderlands and the role of priests can be found in the life of Saint Severinus.[22] The text contains descriptions showing bishops' participation in various activities to ensure the survival and safety of the population, but without directly assuming duties belonging to the military sphere.[23]

The most important findings that emerge from Novel XI regarding the state of the ecclesiastical organisation in the territories given to Justiniana Prima are:

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[19] The phrase about fighting *Bonosiacorum scelus* (32–33) means that Justinian treated the followers of this heresy as serious criminals. The term *scelus* had a very negative meaning in legal acts – Stachura 2010: 50.

[20] The enumeration may have stemmed e.g. from the fact that, while churches, as smaller units within the ecclesiastical organisation, were automatically under the bishop's jurisdiction, *territoria* were probably areas under the direct jurisdiction of the urban administration, whereas *castella*, i.e. fortresses with surrounding lands, were supposedly exempt from taxes: Velkov 1977: 74–75. Dagron 1984: 10 automatically connects the fortresses with those described by Procopius when writing about Aquis. In turn, Mirković 1996: 64 assumes that the term *territoria* refers to domains.

[21] Curta 2001: 77, 124 pp. 5, 339; Kurta 2001: 48–49. Curta introduces the phrase 'new military responsibilities of bishops' without explaining what the earlier 'military responsibilities of bishops' consisted in, before Justinian introduced the changes. So far, there is no such interpretation of the role of bishops: Noethlichs 1973: 28–59.

[22] It is a fundamental source for the reconstruction of the situation on the middle Danube in the middle of the 5th century: Turlej 2010: 17.

[23] *Eugippius*: cap XV, 1, 2; c. XXV, 2–3; XXX, 1. Vetters 1969: 82 ff.

1. the existence of ecclesiastical provinces, and
2. the functioning, legal and actual, of cities without their own bishopric.

For characterising Aquis, it is difficult to overestimate the importance of interpreting the information provided by Procopius of Caesarea in Book IV of *De aedificiis*, where this centre appears twice:[24]

1. As the name of an area Ἐν χώρᾳ Ἀκυενισίῳ, νέον μὲν Τιμαθοχιώμ. τὰ δὲ ἀνανεωθέντα: (IV 4, 3);[25] in the latter area, in total one stronghold was built and 37 were repaired; what is particularly important, Meridio appears in the 28th place among them.
2. In the course of his account about the building works in Illyricum, Procopius directly mentions Aquis, this time presenting it as a partly ruined town rebuilt by the Emperor: Ἦν δέ τι πολίχνιον ἐγγὺς κείμενον, Ἀκυὲς ὄνομα, οὗπερ ὀλίγα ἄττα σαθρὰ γεγονότα ὁ βασιλεὺς ἐπηνώρθωσε. (IV 6, 19)[26]

The basic problem related to the interpretation of Procopius' information about this centre is the need to establish, first of all:

a) whether the two mentions are not mutually exclusive, and therefore unreliable,
b) when the *chora Aquis* existed and what role it played in the administration,[27]
c) what was meant by the use of the term *chora*; in other words, how big an area this term referred to.[28]

The very fact of specifying Aquis and its territory implies a significant role of this city, which, it follows from the context, was the heart of this area. In the territory of the *chora Aquis*, Procopius listed the fortress of Meridio as a newly-repaired one, which seems to prove that it was a considerably smaller centre, and that it was subject to Aquis. Further in the account about the buildings erected by Justinian, Aquis was mentioned as just a small town – *polichnion*.[29] There is no doubt whatsoever that presenting

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[24] Language issues have been thoroughly explained and there is no need or reason to question the fact that Procopius' information refers to Aquis: Honigmann 1939–1944: 143 ff. For a review of the literature on the characterisation of *De aedificiis* see Chapter III.

[25] Haury, Wirth 1964: 123, 44–46. The list includes 37 names: Haury, Wirth 1964: 123, 47–124, 31. A commentary and basic analysis: Janković 1981: 27 ff.; Dintchev 1999: 46; Roques 2011: 316 fn. 105, 322 fn. 130.

[26] Haury, Wirth 1964: 128, 24–25. Commentary: Roques 2011: 322 fn. 130.

[27] The presence of information about the territory and fortresses around cities was supposedly proof of the decentralisation of administration in Justinian's times and of replacing the old division into provinces with units of this type: Curta 2001: 154.

[28] *Chora* as an area of the city: Beševliev 1970: 63 ff.; Velkov 1977: 74; Dagron 1984: 9.

[29] Terminology: Dagron 1984: 4 ff.; Rebanoglou 2005: 120.

Aquis as a small town which was restored from ruin by Justinian is clearly inconsistent with the earlier mention, because it seems to imply its great collapse. It seems that Procopius' data about Aquis can be set to rights only if we consider the general significance of the account contained in Book IV and the message of the entire work. This will enable us to avoid arbitrariness when assessing the credibility of individual pieces of information. It is of fundamental importance for historical studies to avoid reconstructing the history of this centre on the basis of a chaotic selection of fragments of sources when there are basic inconsistencies between them, without conducting a precise analysis and by attaching decisive significance to legal circumstances without analysing them and with a complete disregard for the historical context.

Without an analysis of the information on Aquis contained in Procopius' *De aedificiis*, the evaluation of the role of this centre in the Empire's administrative system should not be done under the overwhelming influence of the information, accepted in advance as credible, included in Hierocles' *Synecdemus*, in which Aquis was mentioned as a city in the province of Dacia Ripensis.[30] In connection with this testimony, historians refer to the law of Emperor Zeno in force in Byzantium, which stipulated that each city should have a bishopric.[31] Therefore, if Hierocles wrote his work at the beginning of Justinian's reign (ca. 527/528) and mentioned Aquis as a city, it should also have been a bishopric by law.[32] Such reasoning seriously undermines the findings of the analysis of Novel XI. If, as a city, Aquis was automatically a bishopric, then why was it that it was only Justinian's decision that led to its creation, and only by separating it from the Bishopric of Meridio, which was to continue to exist?[33] What is more, the latter centre is not mentioned by Hierocles as a city, but according to the text of Novel XI, it had a bishopric. The inconsistencies in establishing the administrative status of Aquis and Meridio are worsened and further complicated by Procopius' data about the rebuilding of Aquis and about

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[30] Hierocles 655, 4. An overview of the literature and possible dating of this work: Honigmann 1939: 1 ff.; Jones 1971: 518 ff.; Hunger 1978: 364 ff.

[31] *CIC* I: 1.3.35 (36). This law is repeated in *Basilika* (III, 1, 3). A discussion of the content and proposed dating: Kosiński 2010: 199–200. Due to its significance for the research on historical geography it is often discussed: Chrysos 1969: 272; Jones 1971: 519; Beck 1981: 19; Gaudemet 1989: 327; Dintchev 2000: 77.

[32] Janković 1981: 77, 122.

[33] Problems with a combined interpretation of data on the ecclesiastical position of Aquis and the significance of the city in the system of state administration: Ivanov 1984: 45 ff., 50; Dintchev 1999: 46.

large-scale fortification works in its vicinity, conducted in the times of Justinian. Procopius calls Aquis a small town, and Meridio a fortress located in the territory of Aquis. Referring to the authority of the imperial law and to Procopius' inconsistent information about the significance of Aquis, it is possible to construct various hypotheses on the role of this centre in the state and ecclesiastical administration in Justinian's times.

Only a thorough analysis of *De aedificiis* based on the data from Novel XI will enable us to set to rights the studies on the historical geography of Byzantium in the middle of the 6th century.[34]

[34] This is also true in the case of Hierocles' information. I discuss this problem in a different work.

Chapter V: The circumstances surrounding the establishment of the archbishopric of Justiniana Prima

The fact that Emperor Justinian issued, within a mere decade, two constitutions which established the Archbishopric of Justiniana Prima and subsequently modified its legal status led to such profound changes in the functioning of the Church of Illyricum that we can speak of a new era of its history, regardless, let us add, of our opinion on its legal and organisational situation at the time.[1] It is difficult to capture precisely and to interpret definitively the transformations which took place after the establishment of the new archbishopric. This is partly because of the way they were presented in the novels and partly because of the unclear situation in the ecclesiastical organisation of the region. Mentions in the sources about the legal status of the Church of Illyricum in Late Antiquity often seem to be outright contradictory and may be used to produce sometimes mutually exclusive constructions about the constant changes of this area's subordination to Rome or Constantinople, or about its full autonomy and the jurisdictional independence of the Archbishops of Thessalonica.[2] In this context, the high ecclesiastical status achieved by Justinian's native city is sometimes underestimated, especially since its rank was quickly diminished,

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1 From the point of view of the position of the Archbishopric of Justiniana Prima in the Universal Church, the historic significance of the law of 535 is indisputable, whereas the constitution of 545 is of equally fundamental importance from the point of view of explaining the principles of the functioning of the ecclesiastical organisation of Illyricum and the manner in which this area was administered. The previous interpretations of these laws such as Pietri 1984: 50 f., or even those which assumed the autonomy of the Church of Illyricum (e.g. Honig 1954: 45), are still very general and do not explain the essence of the introduced changes.

2 Duchesne 1892: 531 ff.; Zeiller 1918: 385 ff.; Pietri 1976: 776 ff., 1069 ff., 1105 ff. still remain the most frequently cited publications which comprehensively discuss the development of the ecclesiastical organisation. The entire literature, including older publications, was collected by Wolińska 1998: 81 ff. Also Bratož 1990: 537 ff.; Rist 2006: 651 ff.

and seen through the prism of following events – the imminent outbreak of the war against the Ostrogoths and the Emperor gaining direct influence over the papacy.[3]

Illyricum

Reconstructing the circumstances in which the Archbishopric of Justiniana Prima was founded requires analysing Justinian's broadly defined policies, not limited to ecclesiastical issues, and the situation in Illyricum at the time. In Novel XI, the Emperor referred to the order both in the ecclesiastical and state administrations, while also touching on a distant past. He did so very briefly and fragmentarily, which creates the need not only to expand the chronological scope of our studies, but also to provide precise definitions of the basic terms which are used to describe the entire Late Ancient sphere of administration in this region. The main terms in question include: 'Illyricum,' 'the Prefecture of Illyricum,' and 'the papal vicariate in Thessalonica,' since they can have different meanings depending on the era or context.[4] In order to evaluate Justinian's activities undertaken in connection with the establishment of the Archbishopric of Justiniana Prima, we should clearly distinguish between his views expressed in Novel XI from what is known about the ecclesiastical and state administration from other sources.

Reading the literature devoted to Late Antiquity, one can conclude that the importance attached to collating the information about the basic meaning of the term 'Illyricum' in this era is still insufficient, and *ad hoc* attempts to define it on the margin of main reflections are usually not only perfunctory but also imprecise.[5] Going back to the very distant past and quoting the oldest sources when characterising Illyricum allows us, at most, to show

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[3] Chrysos 1966: 128; Pietri 1984: 48 ff.

[4] Collation of administrative issues, which are the starting point of the analysis: Zeiller 1918: 11 ff.; Lemerle 1954: 260–273; Dagron 1984: 3 ff.; Rist 2006: 649 ff.

[5] There is an acute lack of a reasonably uniform definition of the area, which would consider the changes occurring over time, which is clear when reading the existing publications about the problem, e.g. Wielowiejski (1988: 20) defines Illyricum as a country on the east coast of the Adriatic Sea. Obrycki (2002: 218) similarly, as a country in the Balkans. Illyria as a land on the Balkan Peninsula: Krasucka, Sakowicz 1997: 24. Zawadzki (1964: 256–257) believes that it is a historico-geographical term. Leclercq (1926: 89) defines Illyricum only as a province, whereas Pritsak (1991: 987) accepts the definition of a Roman province in the north-western part of the Balkans. Various definitions of the term Illyricum, also as a geographical region identical with the Balkans (?): Bavant 2004: 303.

changes in the meaning of the name which occurred over time. Initially, the name referred to the area which the oldest sources situated north of Epirus and which was inhabited by the Illyrians; later the name referred to further Roman acquisitions in the region.[6] Probably around 45 BC Illyricum became a separate province with its own name, when Caesar handed the rule over this territory to Vatinius (45–43 BC), without combining it with the governorship of other provinces.[7] During the reign of Octavian Augustus, Illyricum was divided into two parts: Inferius and Superius, which later became the provinces of Dalmatia in the south and Pannonia in the north, which in turn led to the disappearance of the name 'Illyricum' from the official nomenclature, apart from the customs district established by Emperor Claudius: *publicum portorii Illyrici*, which with time covered an enormous area: from a considerable portion of Rhaetia to the coast of the Black Sea, including Trajan's conquests in Dacia. It stopped functioning during the crisis in the 3rd century.[8]

In Late Antiquity, the term 'Illyricum' is in common use as the name of an area and units of the state administration. After Diocletian's reform, the name does not appear among the administrative units at the level of provinces and dioceses. The list known as the *Laterculus Ueronensis* mentions the existence of two such dioceses in the territory generally referred to as Illyricum in the 4th century: Moesia and Pannonia. The Diocese of Moesia had eleven,[9] and the Diocese of Pannonia seven provinces. They neighboured Italy in the west and Thrace in the east.[10] The appearance of the latter in the list of dioceses is very important, since from that moment forward the name 'Illyricum' will not be extended to include the area of Thrace in any definition or in any connection

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6 The area which was inhabited by the Illyrians: Vulić 1914a: 1087; Cabanes 1988: 13 ff.; Pająkowski 2000: 61 ff.

7 Šašel Kos 1998: 940 ff. Vatinius' activity: Wilkes 1969: 43; Gundel 1955: 512 ff. Honig (1954: 31) cited Caesar's activity in 59 BC in the context of the emergence of the province of Illyricum.

8 The description of Appian of Alexandria (Ill. VI) mentions the furthest extent of Illyricum to the east in connection with the functioning of the customs administration. An overview: Vittinghoff 1953: 358 ff.; Tatscheva 1996: 177–182. This is probably how Leclercq 1926: 120 f. understands the stretch of Illyricum to and including Scythia Minor. Illyricum including Thrace: Mirković 1970: 42. On provinces: Vulić 1914a: 1087; Mócsy 1962: 583 ff.; Wilkes 1969: 78 ff.; Bratož 2003: 470 ff.

9 *Laterculus Ueronensis* V 2–11. From the perspective of later changes, it is important that Macedonia was one province (V 5): Seeck, pp. 248–249; Noethlichs 1982: 70 ff., 74; Wiewiorowski 2012: 52–53.

10 The Diocese of Thrace was headed by a *vicarius* (*Not. Or.* I 33); it was part of the prefecture of the East (*Not. Or.* II 6) and it included six provinces (*Not. Or.* XXVI 10–15): Europa, Thracia, Haemimontus, Rhodope, Moesia Secunda, and Scythia Minor.

with the functioning of administration agencies.[11] It is accepted that during the reign of Constantine, after the division of the Diocese of Moesia, two dioceses were created: Macedonia and Dacia.[12] The list known as the *Notitia Dignitatum*, which probably reflects the state of the Empire's administrative structures at the end of the 4th and beginning of the 5th centuries,[13] mentions a separate Praetorian Prefecture of Illyricum[14] as part of the Eastern Empire, while also listing the Diocese of Illyricum, which was part of the Prefecture of Italy, which belonged to the Western Empire.[15] As we can clearly see, some serious changes occurred at that time; alongside those of strictly technical importance, connected with the functioning of the administration, we should emphasise the significance of the return of the term 'Illyricum' as the name of a diocese and prefecture. Due to the situation in the administration and the division of this area between the Eastern and Western Empire in 395, the term 'Illyricum Orientale' came into use to refer to the territory given to Constantinople.[16] An overview of data from the sources concerning the transformations of the Roman administration over centuries clearly shows that, in spite of a long period of not using the term 'Illyricum' *expressis verbis* in province names, it was etched on memory and commonly functioned to refer to the region, while during the subsequent changes in the administration it was

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[11] Thrace as a historical land changed its borders over the centuries. Its name appears in various meanings and an analysis of individual pieces of information should consider the context. An overview of the entire material: Soustal 1991: 48 ff.; Külzer 2008: 61 ff.

[12] Jones 1964: 373, 1456; Bavant 2004: 307–308. Koder (1976: 51) believes that it happened before 369.

[13] *Notitia Dignitatum*: for an overview see Jones 1964: 1419–1450; the discussion on the reliability of this list is full of contradictory conclusions and indicates that further studies are needed. The findings concerning the entire source, which cast doubt on its reliability: Kulikowski 2000: 358 ff., may contradict the results of an analysis of its individual parts, such as the data concerning Egypt: Kaiser 2015: 243–261. The literature was collected by Wiewiorowski 2007: 23–24.

[14] *Not. Or.* I 3: *Praefectus Praetorio Illyrici*. The prefecture (III 4) consisted of two dioceses, Dacia and Macedonia. The latter (III 5; III 7) included six provinces: Achaea, Macedonia Prima, Crete, Thessaly, Old Epirus, New Epirus, and part of Macedonia Secunda (III 8–13). The Diocese of Dacia (III 6; III 14) had five provinces: Dacia Mediterranea, Dacia Ripensis, Moesia Prima, Dardania, and part of Macedonia Secunda (III 15–19): Seeck, p. 1, 8–11.

[15] *Not. Oc.* II 7; II 28. The Diocese of Illyricum included six provinces: Pannonia Secunda, Savia, Dalmatia, Pannonia Prima, Noricum Mediterraneum, and Noricum Ripensis (II 28–34): Seeck, pp. 101, 109.

[16] We must be very careful about making the distinction between eastern and western Illyricum when we specify their political subordination to the Eastern Empire so that we do not make mistakes when defining the papacy's jurisdiction, like Pritsak 1991: 987; Fogt 1982: 220.

restored as the name of large territorial units.[17] It seems that in studies on Late Antiquity we should accept as a basic definition of the name Illyricum that it was a historical area including the lands east of Italy to Thrace and south of the Danube to the Mediterranean Sea, which were only sporadically subordinate in administrative terms to one prefecture of this name.[18] What is the most troublesome and unfortunate in studies on Late Antiquity is mentioning and using the term 'Illyrians' as a basis for defining Illyricum.[19] Unless the subject of the analysis demands it directly, we should avoid introducing this topic to our reflections or otherwise limit it as much as possible.[20]

Justinian's account about the beginnings of the Prefecture of Illyricum included in Novel XI also creates a need for the analysis to take into account the complicated problems regarding the introduction of territorial prefectures into the Empire's administrative system.[21] It is a subject of much controversy, since the condition of the sources does not enable us to definitively rule out a possibility that they appeared already during the reign of Constantine the Great.[22] In such a case, a separate Prefecture of Illyricum would have appeared

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17 The appearance of the term 'Illyricum' in such a context, i.e. as a historical land, whose name is used in literary sources in a colloquial, almost automatic manner in reference to the region, in itself is not evidence that in the 4th or 5th century an independent Church of Illyricum, subject to the Bishop of Thessalonica, existed, as believed by: Friedrich 1891: 788; Streichhan 1922: 338; Greenslade 1945: 27 fn. 1; Honig 1954: 40. The term 'Illyricum' in the works of 4th-century writers: e.g. Cedilnik 2004.

18 The entire subject matter connected with the functioning of a separate prefecture covering all Illyricum was discussed by Olszaniec 2014: 11, 79–82. It seems that reflections about the existence of 'Great Illyricum' made in the process of analysing Novel XI are based only on connecting the history of the historical region with the appearance of various forms of administrative division from the times of Constantine the Great. Such reconstructions: Popović 1975: 103.

19 When discussing the material devoted generally to the Illyrians, the historical subject matter sometimes plays a small role: Fluss 1931: 311 ff. There are possible definitions from various disciplines, which considerably broadens the context, e.g. Czekanowski 1964: 251–252; Milewski 1964: 252–253; Linderski 1964: 253–254. An introduction to the studies on the historical perspective: Wilkes 1992: 3 ff. Pająkowski 2000: 61 ff.

20 If it is possible to discuss the history of the Illyrians as a separate entry, e.g. Krasucka, Sakowicz 1997: 24–25. If there is no entry devoted to the area, such a description loses its clarity: Schmitt 2000: 355 ff.

21 Collation and overview of the entire material: Ensslin 1954: 2391–2502; Feissel 2004: 96–97. A presentation of the discussion on the genesis of prefectures: Coşkun 2003: 360 ff.; Olszaniec 2010: 591 ff. The situation of the administration in Illyricum: Bavant 2004: 303 ff.

22 The role of prefects in the times of Constantine the Great: Demandt 1989: 245–248. It is difficult to establish whether the changes in the functioning of the administration and assigning tasks to prefects were short-term or systemic, as Olszaniec 2010: 605–606 writes. A division of the functions of prefects under Constantine and his sons: Coşkun 2003: 361.

in the 320s as a result of the Empire being divided into five prefectures.[23] Undoubtedly it seems to be functioning as a separate administrative unit with the prefect's seat in Sirmium at the end of Constantius II's reign.[24] Its existence was ephemeral, since depending on the situation and needs of the state, in the following years the region was handed over to the prefect who was also in charge of Italy and Africa. Such modifications in the administration of the central part of the Empire were very common and inconsequential. In terms of administration, Illyricum was in a sense a special area prior to 395, when the region was permanently divided between the Eastern and Western Empire, so a precise reconstruction of the changes is difficult, not only due to the condition of the sources, but also due to the shortcomings of the research method.[25]

The beginnings of the so-called papal vicariate in Illyricum are presented in direct connection with the changes in Illyricum's political subordination to either the Western or Eastern Empire. Nothing certain is known about its origin, because only later and, let us add, secondary mentions in the sources enable us to reconstruct its genesis. In the classic approach, which usually appears in the literature, the starting point for showing its beginnings is to refer back to what happened in 379, when Emperor Gratian (375–383) handed over the administration of the civil dioceses of Dacia and Macedonia to Theodosius the Great (379–395).[26] This state of affairs did not last long, because probably already in 380 both dioceses returned under the authority of the Western Emperor; however, it is with those changes in the state administration that a profound transformation of the ecclesiastical organisation in Illyricum is linked.[27] The entire region had been connected with the West from the moment of the division of the Empire between Valentinian I (364–375) and

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[23] Olszaniec 2010: 602. The uniqueness of the administration of the dioceses of Pannonia, Dacia, and Macedonia within the division into prefectures: Coşkun 2003: 361; Bratož 2011: 211 fn. 2.

[24] After the appointment of Anatolius as prefect: Amm. Marc. XIX 11, 2–3; Ensslin 1954: 2044. Changes in the administration of Illyricum: Bavant 2004: 304 ff.

[25] Coşkun 2003: 360.

[26] Sozomen VII, 4, 1–2 writes about Illyricum very generally, which can be used as an argument that Theodosius was given all of Illyricum by Gratian: Ἰλλυριοὺς καὶ τὰ πρὸς ἥλιον ἀνίσχοντα τῆς ἀρχῆς Θεοδοσίῳ ἐπιτρέψας. Errington 1996: 22 ff. With reference to the situation of the local Church: Zeiller 1918: 367; Batiffol 1924: 245 ff.; Gaudemet 1989: 403; Rist 2006: 651 ff.

[27] The situation changed dynamically and there is no certainty as to the time and the extent of the transformations made to the administration of these lands. There are various interpretations of data from the sources: Stein 1925: 348; Coşkun 2003: 362; Dunn 2007: 125–130. An in-depth overview of the opinions expressed in the literature about the administration of Illyricum in 379/380–395: Olszaniec 2014: 74–78.

Valens (364–378) in 364, and in ecclesiastical terms it was subject to the Pope; therefore, handing over the dioceses of Dacia and Macedonia to Theodosius in 379 would lead to a completely new situation, where the political subordination of this area was no longer coordinated with its ecclesiastical subordination. It was presumably for this reason that Pope Damasus I (366–384) gave Bishop Acholius of Thessalonica the power to represent him before the bishops of both these civil dioceses. There is no direct source information on this subject; therefore it is regarded as more probable to attribute the initiative itself to Damasus, while the assignment of specific prerogatives to the Bishops of Thessalonica is associated with his successor, Siricius (384–399).[28] Since the Bishops of Thessalonica performed the role of Rome's representatives and replaced the Bishops of Rome in executing their superior power, the so-called papal vicariate started to develop in Illyricum. This is the legal term for the way Rome's jurisdiction was exercised in an indirect way in the part of Illyricum which was politically subject to the East and was therefore called Illyricum Orientale.[29] In 412, it is commonly believed, Pope Innocent I (401–417) appointed, in the full meaning of the word, Bishop Rufus of Thessalonica to be his vicar, expressly stating his position in the local Church.[30] It is accepted that from the times of Pope Boniface (418–422), a so-called permanent vicariate started to function.[31]

The difficulties in defining the clear role of the papacy in Illyricum in the 4th and 5th centuries stem from a shortage of sources. The most important data used for reconstructing the beginnings of the vicariate of Thessalonica is a collection called the *Collectio Thessalonicensis* or *Codex ecclesiae Thessalonicensis*. It mainly includes papal letters preserved in the files of the Council of Rome in 531, including information about the Bishops of Rome handing over some of their prerogatives in Illyricum to the Bishops of Thessalonica.[32]

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[28] Duchesne 1892: 543; Jones 1964: 888–889; Flusin 2004: 124; Bavant 2004: 310.

[29] As for the emergence of the institution of papal vicariate, not only in the case of Thessalonica, it had to do with the right to act on behalf of the pope to an extent defined by him. A vicariate was personal in character and, as the name suggests, originated from the model of imperial administration: Caspar 1930: 310 fn. 1, 611; Gaudemet 1989: 404. On the differences between vicariates: Streichhan 1922: 383–384; Fogt 1982: 217 ff.; Dolezalek, Bregger 2001: 84.

[30] The letter of Pope Innocent I of 17 June 412: Silva-Tarouca no. V. A key phrase which appears in the letter (p. 22, 29–32). Dvornik 1958: 26 ff.; Honig 1954: 35 ff.; Bavant 2007: 361; Millar 2006: 53; Rist 2006: 653.

[31] This is a term is used by Bavant 2004: 310.

[32] An opinion against the credibility of this collection in: Friedrich 1891 and further discussion in Chapter I. The Council or rather the meetings, as Schwartz 1931: 139, 144; 145 refers to the assemblies, took place on 7 and 9 December 531, with Pope Boniface presiding

At present, it seems that there are no grounds to question the genuineness of the entire collection, but this should not suggest that all doubts about the authenticity of the main accounts have been resolved.[33] This refers in particular to the discussion on the legal solutions introduced after the Church of Illyricum was given over under the jurisdiction of the Archbishops of Constantinople, published by the imperial constitution of 421, which was repeated in Theodosius' and then in Justinian's *Code*. The existing interpretations of the history of the ecclesiastical organisation of Illyricum Orientale attempt to give a comprehensive as well as definitive picture of the situation of the local Church, which is not easy considering the surviving sources. Lawyers want to be in accord with the imperial constitutions regulating these matters, which in turn are omitted or underestimated in historical interpretations.[34] It is therefore so important to collate the subject of study and to base it on analysing the main sources, since then it is possible to propose, as a result of a literal interpretation and considering the historical context, new possibilities of comprehensive reconstructions.[35]

(530–532), and concerned the appeal of Stephen, the Bishop of Larissa of Thessaly, deposed from office by the Patriarch of Constantinople. The collection preserved in the manuscript of Vatic. Lat. 5751 from the 10th century included an account of both meetings, the papal letters from the pontificate of Damasus to the pontificate of Leo the Great, and two imperial letters. A list of all the documents in this collection broken down by edition, as well as an overview in: Silva-Tarouca (1937: XIV–XV); Schwartz 1931: 144–159. The dating of the manuscript to the mid-9th century: Silva-Tarouca 1937: VIII.

33 Another opinion against accepting the entire collection as credible was Chrysos 1972: 241 ff., which is mentioned: Jaspers 2001: 83 and fn. 363, but should not be overestimated. The *Collectio Thessalonicensis* probably contained more papal letters than the ones surviving in the manuscript of Vatic. Lat. 5751, which is indicated by the note at the end: *Item recitata est* (Silva-Tarouca 1937: 65, 40). This is also confirmed by the fact that the letter of Pope Nicolas I (858–867) to Emperor Michael III from 860 mentions the names of two popes later than Leo the Great in the description of Rome's jurisdiction over Illyricum (*MGH Epp* VI: 438. Jaffé 2479). The credibility of the tradition about the supremacy of the pope in Illyricum in Late Antiquity was strengthened by new findings about the correspondence of Pope Hilary (461–468): Fuhrmann 1958: 371 ff.

34 Zeiller 1918: 370–372; Streichhan 1922: 340 ff.; Silva-Tarouca 1937: X. All the weaknesses of historical interpretations are listed by Honig 1954: 33 ff. His oversimplifications and mistakes in the light of historical findings were collected by Ensslin 1955: 440 ff. Friedrich (1891: 771 ff.) had a decisively better sense of the historical context in his interpretation than Honig (1954: 35 ff.), who was mainly well-versed in legal matters.

35 To be precise, the aim of this work is not to collect and analyse all the source material concerning the genesis and functioning of the vicariate of Thessalonica. There are some very detailed works devoted to this subject matter (fn. 103), and there is no need to repeat commonly-known findings; the point is to merely supplement the existing studies from the historical perspective.

In order to define the status of the Church of Illyricum Orientale in the organisation of the Catholic Church in Late Antiquity, its history is reconstructed in a descriptive form against the backdrop of political and administrative transformations occurring in the Empire. Considerable oversimplifications are made this way, by applying the solutions attested in a later period to earlier events, which leads to the creation of artificial constructions far removed from the historical reality. It is because of a shortage of relatively complete documentation confirming Rome's supremacy over the Church of Illyricum that scholars referred to the information contained in Novel XI in reconstructing the situation in the region, which only obscured the picture, since it was not accompanied by an analysis of this constitution.[36]

The starting point for reconstructing the structure of the ecclesiastical organisation in Illyricum in Late Antiquity should be establishing with precision what its situation was in the light of the law in force before the shifts in the administration took place in 379. This seems to be visible and documented in the best possible way thanks to the provisions contained in the canons enacted during the Council of Serdica in 343, which concerned the legal conditions in which the Church functioned in the West, especially in Illyricum.[37] In these territories, there was an attested ecclesiastical organisation on the level of provinces administered by metropolitans, which in several cases was confirmed directly as early as during the Council of Nicaea in 325.[38] The provisions concerning the procedure which would be in force for deciding arguments between bishops and charges brought against them, contained in canons III, IV, and V of the Council clearly show that the pope was given a broadly defined superior role.[39] The discussion about a historic character

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[36] Novel XI had a decisive role in the argument presented by the supporters of the theory about the autonomy of the Church of Illyricum: Friedrich 1891: 810; Honig 1954: 45.

[37] A general overview: Hefele 1875: 533 ff.; Zeiller 1918: 228 ff.; Caspar 1930: 131 ff.; Hess 1958: ff.; Baus 1979: 38 ff.; Bernard 1983: 38 ff. The role of Bishop Hosius of Corduba: Hess 958: 18 ff.; Just 2003: 78 ff., 89.

[38] The ecclesiastical provinces corresponded with the structure of the state administration. A comprehensive overview of the process of adjusting the ecclesiastical administration to the state one: Dvornik 1958: 6. On ecclesiastical provinces: Weiss 1981: 29 ff. The situation in the region on the Danube: Zeiller 1918: 129 ff.; in the western part of Illyricum: Bratož 2011: 211 ff. At the time, there were no regulations concerning the ecclesiastical organisation on a level higher than the province. Tradition and respecting customs were generally invoked, specifically in the case of Alexandria, and generally Rome and Antioch: canon VI.

[39] The canons of the Council: *Acta Synodalia* 148–149, 27. A collection of older studies: Hefele 1875: 560–577; Zeiller 1918: 243 ff.; Caspar 1930: 159–160. It seems that there are no grounds to question their credibility: Baus 1979: 40. Analyses: Hess 1958: 80 ff.; Wojtowytsch 1981: 105 ff.; Bernard 1983: 97 ff. Despite problems with the terminology used in the description of the ecclesiastical organisation, the canons of Serdica talk about ecclesiastical provinces

of the solutions concerning the right of appeal to the Bishops of Rome as the highest instance on matters of judicial sentences concerning the clergy should not obscure the role they were supposed to play in adjudicating all disputes at either the second or the highest instance, depending on the nature of the case and procedure, in the case of the Church of the Western Empire.[40] All the phrases directly concerning the prerogatives given to them, i.e. mainly directly to Pope Julius (337–352), indicate that the Bishops of Rome took over the position which would be occupied by the bishops of sees superior to metropolises in the Eastern Empire and which with time and development of the ecclesiastical organisational structures would become patriarchal power. The provisions in the canons enacted in Serdica not only characterise the position of the papacy, but also give a general impression about the condition of the ecclesiastical organisation in the broadly defined West at the time. With regard to Illyricum, it can be definitively concluded that there was no bishopric in the region that would be more powerful than others on the level of metropolis, nor one which had specials relations with Rome. All that has been directly confirmed is the significance of Thessalonica as a great city which attracted the clergy, and not the jurisdiction of the local Church.[41] There is no reason to broaden the context of the analysis and assume that a local ecclesiastical centre should have been created in Illyricum, as was the case in the areas most frequently mentioned by the sources, i.e. Asia, Thrace, and Pontus, when referring to Thessalonica's role as the most important urban centre of the region.[42] In different parts of the Empire the ecclesiastical organisation

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subject to metropolitans, rather than about supra-metrapolitan structures. This follows from the context, so certain terms which have a different meaning in the other sources (such as exarch) are interpreted as referring to the basic organisation on the province level, e.g. canon VI of Serdica: Herman 1953: 475.

40 The prerogatives of the Bishops of Rome to examine appeals as the last instance were not respected by the Church of Africa: Wojtowytsch 1981: 226 ff. See Chapter VI.

41 Canon XX of Serdica: *Acta Synodalia*, pp. 155, 19–28. Hefele 1875: 599–600; Hess 1958: 88–89.

42 Such an approach was taken openy by Granić 1925: 12; Honig 1954: 41. Koder (1976: 79) concluded that very early on, already in the early 4th century, the role of Thessalonica as the local ecclesiastical centre was already established. He considered the local bishop representing the Bishops of Illyricum in Nicaea in 325 to be evidence of this: Mansi II: 881. A unique situation developed at that time, probably connected with the recently ended war in the region, which led to the Bishop of Thessalonica playing such a role. It did not follow from the development of a supra-metropolitan organisation in the Church of Illyricum. On the complicated problems in individual parts of the Empire and on the need to discuss them in a more precise manner: Jones 1964: 883 ff. Reconstructing the past of the ecclesiastical organisation in Illyricum in the light of information about the main religious centres from various eras: Zeiller 1918: 364 ff.; Gračanin 2006: 32–33. Bratož 2011: 213 ff.

developed according to different principles, and on the basis of analysing the mentioned canons of the Council of Serdica it can be considered as almost certain that the primacy over the Church of Illyricum was held by the Bishops of Rome, whose powers there were comparable to the ones usually ascribed to supra-metropolitan centres.[43]

Popes exercised their supreme jurisdiction directly to the extent that it was needed at that stage of the development of ecclesiastical administration structures, which is fundamentally important for the interpretation of later events. The assumption that the act of Gratian handing over the civil dioceses of Dacia and Macedonia to Theodosius in 379 was the beginning of changes in the administration of the Church of Illyricum and led to the establishment of the vicariate in Thessalonica has no basis in the sources and is contradictory to everything we know about the principles on which the local Church functioned and about the situation at the time. Emphasising the importance of this episode in the transformations of the political subordination of Illyricum stems mainly from the need to link the beginnings of the vicariate with political changes, i.e. with what was noticeable in the later period as the factor that produced changes.[44] Searching for the origins of the vicariate of Thessalonica, we should undoubtedly recall the pontificate of Damasus as probably the first pope who used the Bishop of Thessalonica as a representative to exercise his power over the Church of Illyricum.[45] Much later papal tradition also cited his name in the context of showing the supremacy of the Bishops of Rome over the Church

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[43] St. Ambrose and Illyricum: McLynn 1994: 92 ff.; Dunn 2007: 135–139; Reutter 2009: 17–21. The supremacy of the Bishops of Rome in the sphere of administration was not threatened by the influence of the Bishopric of Milan. It should be assumed that the role of the latter bishopric in Illyricum stemmed only from the personal position of St. Ambrose who, let us add, was focused on purely religious matters.

[44] It can be assumed that what was decisive for the changes in the ecclesiastical jurisdiction and the manner in which it was exercised in Illyricum were political conditions over the ages, but to refer to them during Theodosius I's reign is an oversimplification in the light of the constant changes which consisted in transferring Dacia and Macedonia under the rule of the Eastern or Western Empire after 379. For example, all of Illyricum's dioceses were under the rule of Valentinian II in 383–387. Although the manner in which they were administered is difficult to appraise (Coşkun 2003: 365 ff.; Bavant 2004: 304; Dunn 2007: 125–129), this situation should have tied these areas even more strongly with the West.

[45] Among the surviving letters of this Pope we can only find a confirmation of his contacts with Bishop Acholios: Reutter 2009: 441 ff. Publications of these letters: Silva-Tarouca no. I, II. Joannou 1972: 239–242, no. 79. Rist 2006: 651. As for Pope Innocent (Silva-Tarouca no. IV), in the context of his decisions concerning the prerogatives of the Bishop of Thessalonica he refers to the actions of his predecessors and mentions firstly Damasus and then Siricius – Innocent's letters: Dunn 2007: 141 ff. This constitutes a basis for considering the active role of both these popes in transforming the manner in which jurisdiction in Illyricum was exercised by the papacy.

there, when the Bishops of Thessalonica acted on their behalf.[46] It is likely that the genesis of the transformations in the administration of the Church of Illyricum, which took place during Damasus' papacy, may have had no direct connection to politics on the level of the relations between the Eastern and Western Empire at the time, but stemmed from the general situation in the region. First of all, there is nothing to indicate that the immediate changes in the administration were caused by Theodosius' deliberate actions, which may have been interpreted by the Pope as a threat to his jurisdiction. If it had been so, the measures taken by Damasus would have been inadequate to the situation and would not have served the papacy's interests, because the position of the Bishops of Rome in the Catholic Church and in the Empire made it easier for them to manage the Church of Illyricum directly and to intervene with the Eastern Emperor if needed than to use an intermediary with an incomparably weaker position both in the region and among the imperial authorities in Constantinople. Therefore, reconstructing the circumstances which led to the establishment of the vicariate of Thessalonica, we should regard as the most likely the hypothesis that Pope Damasus turned his attention to closer relations with the Bishop of Thessalonica in the aftermath of Emperor Valens' defeat suffered from the Goths at Adrianopol in 378, reflected in the collapse of the defence system and in the danger posed to Illyricum by the barbarians. It was easier for the Bishop of Thessalonica to deal with necessary matters on the spot because the military situation in the region was uncertain and maintaining contact with Rome posed difficulties.[47] Presumably, as a result of the continual barbarian threat, the use by the popes of the Bishops of Thessalonica to help administer the Church of Illyricum became more and more permanent. Damasus' successor, Pope Siricius (384–399) also probably used the assistance of the Bishop of Thessalonica, although in legal terms this was still a provisional solution and it would be futile to search for information on the subject in the sources.[48]

Without doubt, Emperor Theodosius I managed to achieve a considerable success with regard to defending the borders of the Empire, but usurpations

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[46] In the already-mentioned letter of Pope Nicolas the Great to Emperor Michael III, concerning the return of the ecclesiastical provinces of Illyricum seized during a period of iconoclasm under Rome's jurisdiction, there is information about the earlier period, about the authority of the Bishops of Thessalonica exercised on behalf of the popes from the times of Damasus (*MGH Epp.* VI 438–439), but it does not contribute anything to the studies on the institution of the vicariate of Thessalonica as such.

[47] Jalland 1941: 193 rightly drew attention to problems with delivering letters.

[48] A publication of these letters: Silva-Tarouca. An analysis: Dunn 2007: 133 ff. There have also been various hypotheses connecting the beginnings of the vicariate with Pope Anastasius (399–401): Greenslade 1945: 25–27, or even with Innocent I: Macdonald 1961: 481.

in the West and civil wars occupied most of his attention until the end of his reign.[49] The division of the Empire in 395 also brought on a division of Illyricum, attaching its eastern part to Constantinople. This was nothing new as far as the administration of those areas was concerned; likewise establishing a separate prefecture, which had jurisdiction over the lands belonging to Constantinople, changed little in comparison to the past. It was the open conflict about Illyricum between the East and the West which made the events of 395 significant and led to the emergence of a completely new situation in the region.[50] From that moment on, the ecclesiastical subordination of these areas to Rome could be regarded by the Eastern Empire as a threat to its political reign and this factor played an important role in the future of the region.

The promotion of the Church of Constantinople to the rank of archbishopric in 381 probably had no impact on the papacy's policy in Illyricum. That the threat posed by the bishops of the new capital went unnoticed is reflected in the fact that the Bishops of Rome withdrew from the direct administration of the Church of Illyricum and used a local intermediary.[51] Probably the popes did not appreciate the role of the Bishops of Constantinople as their rivals in the broad definition of the word, and from the early 5th century onwards most of their attention was held by the threat posed to the Western Empire by the barbarians.[52] Considering the Empire's deteriorating military situation in Italy, Gaul, and Spain, which threatened the normal functioning of the ecclesiastical administration, an idea might have appeared in Rome to strengthen

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[49] The activities of Theodosius I in the struggle against the barbarians: Wolfram 1988: 131 ff.; Errington 1996: 1 ff. The general situation: Halsall 2007: 186 ff. Discussing the structure of the administration, Coşkun (2003: 367 fn. 1) appreciates the importance of the military situation in the region.

[50] Mainly the policy of Stilicho and his conflict with Rufinus, who governed in the East, and later the successive attempts to take over control of Illyricum with the help of Alaric. The genesis of Stilicho's activities in the region is unclear and it is impossible to say whether it was based on Theodosius I's wish concerning the division of the area or on the general's ambitions: *PLRE I*: 853–858; Kaegi 1968: 16 and fn. 35; Salamon 1975: 104–105; Demandt 1989: 141; Mitchell 2007: 89 ff.; Bavant 2004: 306; Dunn 2007: 129–130. Military operations in the Balkans: Wolfram 1988: 139 ff.

[51] Constantinople's position in the Church was weak at the beginning of the 380s. From the point of view of Rome's leading role in the Catholic Church, the promotion of the Bishopric of Constantinople was even advantageous in the reality of that time, since it weakened Alexandria: Salamon 1975: 98–99. Constantinople's promotion is usually linked with the later rivalry between the two capitals: Rist 2006: 654.

[52] An analysis of their correspondence provides an apt characterisation of the position and ambitions of the Bishops of Rome. It is very conspicuous how the model and language of the imperial chancellery are adopted to deal with various matters: Hornung 2010: 20–31. Other papal vicariates: Vogt 1979: 214 ff.

and specify in more detail the position of the Bishops of Thessalonica in the peripheral territory of Illyricum and to adapt the existing provisional state to the requirements of the moment. This is a probable interpretation of the actions of Pope Innocent I, the evidence of which survives in his letter of 412 to Rufus, Bishop of Thessalonica.[53] In the light of the surviving sources it seems that the papal vicariate in Illyricum was shaped as a result of a historical process and may have stemmed from difficulties in contacting the local bishops as a result of barbarian invasions, which forced immediate responses that gradually took on official character in the form of popes appointing vicars from the times of Pope Innocent on. With time, it became customary and obvious that the Bishops of Thessalonica performed the role of supreme authority of the Church of Illyricum Orientale on behalf of the popes.

Linking the genesis of the vicariate of Thessalonica with the change of Illyricum's political subordination in 379 seems to stem directly from the interpretation of the events which took place in the early 420s, when this region was attached to Constantinople in ecclesiastical terms on the basis of an imperial constitution. Interestingly, in this case an independent analysis of the context is not carried out and the significance of political factors goes completely unnoticed, while the role of the conflict between Rome and Constantinople is exaggerated. Therefore, it is of vital importance to carry out a deeper analysis of the situation at the time when Emperors Honorius and Theodosius II published their constitution aimed against the interests of the papacy, which was addressed to the Praetorian Prefect of Illyricum in 421.[54]

> IDEM AA. PHILIPPO P(RAEFECTO) P(RAETORI)O ILLYRICI
> *Omni innovatione cessante vetustatem et canones pristinos ecclesiasticos, qui nunc usque tenuerunt, per omnes Illyrici provincias servari praecipimus. Tum si quid dubietatis emerserit, id oporteat, non absque scientia viri reverentissimi sacrosanctae legis antistitis urbis Constantinopolitanae, quae Romae veteris praerogativa laetatur, conventui sacerdotali sanctoque iudicio reservari*
> DAT. PRID. ID. IVL. EVSTATHIO ET AGRICOLA CONSS.[55]

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[53] We should also consider the role that contingency played in how various popes defined the powers of the Bishops of Thessalonica. Pope Innocent I and Bishop Anysius: Dvornik 1958: 26–27; Dunn 2007: 141–148.

[54] The law of 14 July 421 was addressed to Philippus, Praetorian Prefect: Philippus 2 *PLRE II*: 874.

[55] *CTh.* 16.2.45; Seeck 1919: 345. It follows from the text of Theodosius' *Code* that this constitution was issued on behalf of both emperors. Considering the role which Theodosius II played in the entire matter, it must be assumed that he was the initiator, i.e. in the reality of that time, the issuer of this law. Such a clarification is sufficient to preserve the clarity of the analysis, which is needed, as we can see from observing the literature, e.g. Martin 1953:

The text of this law, although very brief, allows us to grasp the changes it introduced. The Emperor ordered innovations to be rejected, while unspecified ancient law, which had governed the functioning of the Church of Illyricum, was to be restored. The Archbishop of Constantinople, who had the prerogatives of Rome, was to be informed about the matters which were to be decided by an assembly of priests, probably bishops. Speaking of restoring an ancient order and this constitution replacing Rome's influence with that of Constantinople, it is worth noting the complete omission of the role of the Bishops of Thessalonica. The type of phrases which are used in this law refer directly to the description of the functioning of local Churches in Illyricum known from the cannons of Serdica, where the principles of settling disputes by synods were accepted, with the right of appeal to Rome. Therefore, by the innovations rejected at that time we should, it seems, understand everything that was introduced by the popes in connection with giving prerogatives to vicars. The content of this law allows us to confirm definitively a lack of any, even indirect, support for the view that the Bishops of Thessalonica, or of other local ecclesiastical centres, had a significant intrinsic role prior to the early 380s.

The fact that Theodosius II issued a constitution which undermined the jurisdiction of the Bishops of Rome made Pope Boniface attempt, successfully, to seek the support of Emperor Honorius.[56] The letter of the Western Emperor on this matter made Theodosius II relent and change his decision. This is evidenced by the wording of his letter addressed to Honorius:

> *Unde omni supplicantium episcoporum per Illyricum subreptione remota, statuimus observari, quod prisca apostolica disciplina et canones veteres eloquuntur. Super quam rem secundum formam oraculi perennitatis tuae ad viros illustres praefectos praetorii Illyrici nostra scripta porreximus, ut cessantibus episcoporum subreptionibus, antiquum ordinem specialiter faciant custodiri, ne venerabilis ecclesia sanctissimae urbis privilegia a veteribus constituta amittat, quae perenne nobis suo nomine consecravit imperium.*[57]

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436 ff. The content of the constitution is a separate problem; it contains two decisions: one on the subordination of the Church of Illyricum, and the second on giving Constantinople the same rights as Rome enjoyed. Justinian's *Code* mentions the two laws separately: *CIC* II: 1.26 and 11.21.1. Gaudemet 1989: 406.

[56] Silva-Tarouca no. XV: *Exemplar Epistulae Piissimi Imperatoris Honorii ad Theodosium Augustum* (pp. 43–44). An overview of the older literature: Streichhan 1922: 361 ff.; Caspar 1930: 608, and Chrysos 1972: 243 ff. Rist 2006: 655.

[57] *Rescriptum Theodosii Augusti ad Honorium Augustum*: Silva-Tarouca no. XVI (pp. 44–45). The cited fragment 45, 16–24. It is unclear why Emperor Honorius and Pope Boniface were credited with repealing this constitution: Flusin 2004: 125. It is also doubtful that the enforcement of the law was delayed for a year, as Bavant 2004: 310 writes.

It follows from the letter that Theodosius relented and cancelled the changes introduced by this law, but it was included in his *Code* published in 438. The literature on the subject asked, therefore, how it was possible that a constitution which had been repealed, i.e. had no legal force in the light of this letter from the Emperor, ended up in a code of binding laws. An unusual situation emerged where a discussion on the credibility of the *Collectio Thessalonicensis*, which would seem already resolved, continues to be revisited, in a sense, by questioning the authenticity of both letters.[58] In itself, the exchange of letters between Theodosius II and Honorius does not have to be a convincing proof that the law of 421 concerning Illyricum was effectively repealed.[59] Only superficially, in terms of form, the matter raises no doubts, since emperors did use letters, among others, to pass their constitutions to officials to carry them out. However, Theodosius' letter does not contain the elements which should be included in a law repealing an earlier constitution concerning the same matter which was issued on behalf of both rulers.[60] Moreover, we cannot disregard the fact that, so far, scholars have been unable to explain why Theodosius II, sending his wish to repeal the previous law, addressed the prefects in the plural.[61] This would suggest the existence of not one, but two Prefectures of Illyricum, which was

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[58] I am not referring to reviving Friedrich's (1891: 776 ff.) views, but to the content of the letters and the unclear reconstructions of the situation based on this content, as well as citing (without analysing) the works which question the credibility of these sources: Flusin 2004: 124–125. Only Chrysos (1972: 243 ff.) openly attempted to strengthen Mommsen's argument. He cited the term *regni nostri* (Silva-Tarouca 1937: 45, 15), which should not have been used in an imperial document due to the old prejudice against royal Rome. He also noted the phrase referring to Rome in this context: *ecclesia sanctissimae urbis privilegia* (Silva-Tarouca 1937: 45, 22–23).

[59] Zachariae 1865: 3 ff. noted the ambiguity of the legal status. For questioning the credibility of the sources concerning the papacy's jurisdiction in Illyricum see Friedrich 1891: 771 ff. Duchesne (1892: 539 ff.) joined the discussion but did not reach definitive conclusions on the legal matters. Mommsen (1893: 358 ff.; Mommsen 1894: 434 ff.) commented on Theodosius II repealing the law of 421. Chrysos 1972 referred back to this opinion. The matter was not definitively resolved because only negative conclusions could be formulated: both letters were forgeries since they were written on the behalf of one ruler, they did not comply with the form of typical constitutions, and their content raised doubts as to the faithfulness of the description of the situation in Illyricum. However, there were no arguments to justify with complete certainty the rejection of the existence of the law issued by Theodosius II after Honorius' intervention solely on the legal basis.

[60] Honig (1954: 38) offered evidence of what repealing one imperial constitution on a specific matter by another should look like in formal terms: *CTh.* 16.3: De Monachis 16.3.1 and 16.3.2.

[61] Dvornik (1958: 29) writes: *praefectus praetorio Illyrici*.

not the case at that time.[62] It is difficult to explain on the basis of law or to accept as accidental this entire chain of Theodosius II's unexpected actions and retractions in the light of giving the jurisdiction over Illyricum to the Archbishops of Constantinople in 438, on the basis of the *Code*'s provisions. The appearance of those provisions in the constitution of 421, repeated in 438, gives a false impression that they played the main or inspiring role in taking Illyricum away from the papacy. It seems that we should not overestimate the influence of the Church's situation in the region on the ruler's decision, since the bishops' dissatisfaction was probably only used as a pretext to introduce a new order.[63]

Taking the historical context into consideration in our analysis will allow us to offer a different interpretation of the genesis of the conflict about the jurisdiction over this region and its specific legal situation. In 421, as a result of Honorius elevating Constantius III to the rank of Augustus, the relations between the West and the East visibly deteriorated.[64] Emperor Theodosius II probably treated the lack of consultations on a matter as serious as appointing a new co-emperor as a real political threat for the Eastern Empire and decided to strengthen his position in Illyricum, tying its Church to Constantinople. It seems that Theodosius II's actions resulted from the desire to protect the Eastern Empire's reign over this region and were directly connected with the situation at that time, seen and evaluated from that point of view. Legal steps were subordinated to this overriding political objective, which is why there

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[62] Objection in this case: Friedrich 1891: 886. Streichhan (1922: 364), probably wrongly, disregards this part of the discussion, believing that a change of prefects took place at the time. Honig (1954: 39), drawing attention to the plural in this phrase, clearly treated this fragment instrumentally, to prove his theory that the situation described in the letter took place as late as in 535, when Justinian divided Illyricum, creating a new prefecture with the seat in Justiniana Prima. In his opinion, this is to prove that this text was not created in Theodosius II's times, but later. This historian's entire reconstruction is based on an imprecise interpretation of Novel XI and does not explain the genesis of this type of provision. Chrysos (1972: 243) mentions this, but does not attach crucial significance to it.

[63] Perigenes was to become the Bishop of Patras, where he was not accepted. With Rome's permission, he took over the Bishopric of Corinth after the death of its metropolitan: Socrates VII, 36; Pietri 1976: 1105 ff.; Rist 2006: 654 ff. This led to a confusion and conflict among the Bishops of Illyricum which, it seems, is overestimated in the literature in terms of its influence on the legal status of the Church of Illyricum.

[64] Constantius III died in September 421, just seven months after receiving the title of Augustus – Constantius 17: *PLRE II*: 321–325. Blockley 1998: 137. He did not have time to react to the Eastern Empire's lack of recognition, despite organising a military expedition: Olympiodorus fr. 33. Since Stilicho's times, the Eastern Empire had not felt threatened by the West; it was only the situation in 421 that led to a deterioration of their relations: Salamon 1975: 110, 112 ff.

is contradictory information in the sources from Late Antiquity which speak strictly about the legal subordination of the Church of Illyricum to either Rome or Constantinople. No attempt at a deeper analysis from the legal point of view of the constitution of 421 and Theodosius II's position on this region's subordination to the papacy has brought the desired results, because there is every indication that these problems can only be analysed from a broader, i.e. political, perspective. Despite the very hypothetical nature of our findings, there is a chance to 1) collate the data contained in the surviving sources and reject the arguments which question the authenticity of the correspondence of Emperors Honorius and Theodosius II about repealing the effects of the constitution of 421, which deprived the papacy of the jurisdiction over the Church of Illyricum; and 2) show the specific conditions in which the Church of Illyricum developed. Even though there are still many ambiguities as to the exchange of letters between Honorius and Theodosius II on this matter, even without an in-depth analysis of the sources there is clearly a lack of reason to forge the letters. Why create documentation which was completely unnecessary, since the law of 421 was included in Theodosius' *Code*, and the actual state inconsistent with it was restored?[65]

The enactment of the constitution of 421, giving the jurisdiction of Illyricum to the Archbishops of Constantinople, incurred the Pope's displeasure, which Theodosius II probably could have expected, but in the light of the seriousness of the situation and the possibility of an armed conflict with the West, this was not his main worry in June 421.[66] At Pope Boniface's request, in the changed political situation, Emperor Honorius decided to intervene in Constantinople. We can accept as very likely that this Emperor's private letter concerning the infringement of the rights of the Bishops of Rome was answered by Theodosius II in the same form – a letter addressed to the Western ruler, which contained the information about restoring the previous state by ordering officials to perform necessary activities related to restoring the pope's jurisdiction. Formally, this manner of Theodosius II dealing with the matter (i.e. through letters) was not equal to issuing a proper constitution, but it was sufficient to solve this particular case by a ruler who was the source of

[65] Chrysos (1972: 247) proposed a very late date of the forgery, after 534, when Theodosius II's law appeared again in Justinian's *Code*.

[66] The role of Illyricum's clergy is remembered in the discussion about the genesis of this constitution: Pietri 1976: 1112 ff., while the Archbishop of Constantinople, Atticos, is usually suspected of inspiring Theodosius: Jones 1964: 889; Gaudemet 1989: 406; Bavant 2004: 310; Rist 2006: 655. The issue of this law is sometimes even presented as if it had been the result of a secret agreement or even a conspiracy of the Patriarch of Constantinople and Emperor Theodosius: Zeiller 1918: 370.

the law, and who gave officials the order to restore the previous state, which (let us add) was in agreement with the other ruler's expectations.[67] There was no reason for the officials not to carry out the order, so the immediate effects of introducing the constitution of 421 could be cancelled, but Theodosius II probably did not issue a proper constitution formally sanctioning the repeal of that law. The deaths of Constantius III and, two years later, Honorius, completely changed the situation in the West. The papacy peacefully exercised its rights in Illyricum and no one insisted on a comprehensive regulation of the subordination of that Church.

It seems that also from the point of view of its content there are no grounds to question the credibility of Theodosius II's letter to Honorius. What follows from a literal analysis, in 421 the Eastern Emperor wanted his prefect to execute the law not only in the area under his office's jurisdiction, but in all the provinces of Illyricum. The phrase *per omnes Illyrici provincias* read literally clearly shows that not only the provinces belonging to the East were meant. The previous analyses assumed that, considering the political circumstances and division of the region at that time, the law was limited to the Eastern Empire.[68] The phrase from Theodosius II's letter to Honorius: *ad viros illustres praefectos praetorii Illyrici* allows us to consider the literal interpretation of this constitution to be, if not entirely right, then at least admissible, since cancelling the effects of the earlier decision required the participation not of one, but of both prefects (the plural number). This can be explained if we assume that what is meant are the actions of the prefect subject to Constantinople and the prefect administering the part of Illyricum located within the prefecture belonging to the West. The latter prefect was in charge of the central part of the Empire and usually his titulature emphasised the jurisdiction over Italy, Africa, and Illyricum, although the order was not strictly specified. At the time when the events connected with the introduction of the constitution of 421 were taking place, the prefect in the West was no longer Palladius, who is attested as prefect for many years, and we can demonstrate the appearance of Illyricum in the first place in his titulature as Praetorian Prefect.[69] It seems

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[67] This is how Duchesne (1892: 541 ff.; Duchesne 1905: 279) attempted to defend the authenticity of Theodosius' letter, admitting that it was not an imperial constitution.

[68] The provisions of imperial constitutions concerning Illyricum are phrased in a very general way and therefore seem to suggest that their legal force was applicable to a very wide area, but due to the political conditions and the division of Illyricum they used to be understood to refer to a limited area. Similarly the law of 421: Alföldi 1924: 74. Coşkun 2003: 364–365 fn. 7.

[69] Iunius Quartus Palladius 19: *PLRE II*: 822–824. Such a titulature is noted: Stein 1925: 350. Johannes (Iohannes 4: *PLRE II*: 594; Olszaniec 2014: 292) is attested as Palladius' successor from 11 July 421.

that there are no grounds to reject the credibility of Theodosius II's letter to Honorius, since its content can be reconciled with the interpretation of the constitution of 421. Additionally, accepting a literal interpretation of this law with regard to the area where it was applicable, i.e. also in areas of the Western Empire, allows us to offer a simpler explanation why the law led to Honorius' intervention and why it was so easy to persuade the Eastern ruler to cancel its effects.

In the light of the conducted analysis, the most probable explanation of the fact that the constitution of 421 was included in Theodosius' *Code* is the hypothesis that it had not been formally repealed by another law.[70] Both prior and after the publication of the *Code* there is no evidence of the Bishop of Constantinople exercising jurisdiction in Illyricum, which in turn means there is no evidence of this constitution being actually used in order to eliminate Rome's supremacy.[71] The Bishops of Rome maintained their jurisdiction over the region from 421 to 438. We know of letters of Pope Boniface addressed to the Bishop of Thessalonica, Rufus, which attest the power of vicars there and which were aimed to strengthen their position in Illyricum.[72] Pope Sixtus III (432–440) acted in a similar manner.[73] Taking the entire source material into consideration, we thus note a situation where the actual state did not correspond with the legal state revealed in the imperial constitutions. However, we should clearly emphasise that the situation of the popes exercising jurisdiction over Illyricum was not unlawful, but based on foundations different from state law.[74] This

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[70] Considering the possibility of one imperial constitution repealing another one, on the basis of the example which survived in Theodosius' *Code*, both of them should have been included. To strengthen his interpretation, Honig 1954: 38 presented this argument, while Chrysos 1972: 243 ff. disregarded it.

[71] Due to the condition of the sources, the activities of the Archbishop of Constantinople, Proclus, are not entirely clear: Grumel, Regesten no. 84, 91, but interpreting them as an attempt on his part to take over control of Illyricum is completely exaggerated: Zeiller 1918: 371. Attributing such an intention to him does not seem justified, since it would have been impossible to do so without the Pope's support. Proclus was building his position in the Universal Church and in this context addressed other bishops, also those in Illyricum. His activity concerned Pope Siricius, but not because of any direct attempts to take over jurisdiction over the region but due to the need to maintain the discipline of the episcopate there, who had expressed their dissatisfaction in the past.

[72] The activity of Pope Boniface is well-attested. In the *Collectio Thessalonicensis*: Silva-Tarouca no. VI–X, XXVII. Duchesne 1892: 543; Streichhan 1922: 354 ff. Bishop Rufus: Leclercq 1950: 635.

[73] Letters of Pope Sixtus III: Silva-Tarouca 1937 no. XI–XIV. The functioning of the vicariate under Popes Celestine and Sixtus: Duchesne 1892: 54; Pietri 1976: 1121 ff., 1142 ff. The events of 437 connected with the situation of the Church of Illyricum and the activities of Bishop Proclus are regarded as another conflict about the vicariate: Rist 2006: 656 ff.

[74] A discussion of this type of legal regulations: Wipszycka 2005: 301 ff.; Flusin 2004: 137 ff.

was an unusual situation, because in the other areas of the Empire, the Church developed its organisation according to its own principles which were based on the structure of the state administration, but formulated without the intervention of rulers and their legislation. Therefore, a serious problem arises concerning the very point of including the law of 421 in the *Code*, since Theodosius II neither repealed nor executed it. It cannot have been a coincidence, considering the importance of the decisions it contained and the years of work devoted to compiling the *Code*.[75] The goal is not only to reflect on whether Theodosius honestly and effectively (in legal terms) cancelled the decision of establishing a supremacy over the Church of Illyricum which was disadvantageous to Rome, but also to analyse the political significance of this fact.[76]

The appearance of the constitution of 421 in the *Code* in 438 seems to clearly indicate the Emperor's determination with regard to Illyricum, despite a completely different political situation. In 437, as a result of the marriage of Valentinian III and Licinia Eudoxia, daughter of Theodosius II, the East received this entire region.[77] The relations between both parts of the Empire were better than they had been for years and, it seems, a unique opportunity occurred to secure Constantinople's position in the region, also with regard to the ecclesiastical order. The law of 421 was included in the *Code*, which this time was not opposed to by the Western Emperor, who announced its introduction also in his realm.[78] It is unlikely that Pope Sixtus III did not know about this, so a lack of any evidence of his defence of the possessions of the Church of Rome is really significant. It is all the more puzzling if we take into consideration that Theodosius II had this constitution included in the *Code* in the form from 421. The phrase *per omnes Illyrici provincias*, referring to the area where the regulation was applicable, in the reality of that time meant greater losses for the papacy than it had in 421, because the East probably owned the entire region then. Laying aside the problem with a precise definition of the Empire's borders on the Danube and the extent of the Huns' reign in Pannonia, the rest of Illyricum belonged to the East and

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[75] The preparation of the *Code*: Wenger 1953: 536; Honoré 1986: 133 ff.; Wipszycka 1999: 595 ff.; Stachura 2010: 51 ff.

[76] Duchesne (1905: 277) assumed that there might have been a change of opinion in Constantinople about Illyricum's subordination, without drawing conclusions about the consequences of such a move. Gaudemet (1989: 406 fn. 4) cites the work of Caspar 1930: 367 fn. 2.

[77] Directly on this subject: Jordanes, *Romana* 329, 18; Cass., *Variae* XI 1.9 (p. 329); Prostko-Prostyński 1994: 217; Kaegi 1968: 27.

[78] In the East on 15 February 438: *Nov. Theod. I de Theodosiani Codicis auctoritate*, then in the West on 25 December 438: *Gesta Senatus Romani de Theodosiano publication*: *CTh*. 2, pp. 1–4. Seeck 1919: 366–367.

was subordinate to the popes in ecclesiastical terms.[79] If we try to interpret precisely what areas were referred to in the constitution of 421, it is clear how difficult it is to evaluate the significance of this law in the reality of 438 and the consequences that its enforcement could have had for the papacy. If Theodosius wanted to give the jurisdiction over the Church in the dioceses of Dacia and Macedonia to the Archbishop of Constantinople in 421, then citing this law in 438 did not solve the problem of the popes' supremacy over the Church in the Diocese of Pannonia, which now belonged to the East. On the other hand, if we assume that the Emperor had consistently wanted to give the supremacy over the entire Church of Illyricum to the Archbishops of Constantinople since 421, then he reached the state which was consistent with the law in force and the scope of his authority in 438. In that case, the papacy's passiveness is incomprehensible, as is Valentinian III's agreement to the enforcement of this regulation, even considering his dependency on Theodosius II's help. In the light of the complications that were caused, or rather that should have been caused, by the publication of the law of 421 in the *Code*, what is of key significance for explaining the situation is the fact that Theodosius II did not take any steps whatsoever towards executing the law through detaching the vicariate of Thessalonica from Rome, not even in such a favourable political situation. It is only in this context that Valentinian III's agreement to the issue of this law is not surprising, even though it could have had much more adverse consequences for the Bishops of Rome than in 421, and neither is the passivity of the papacy, in contrast to Boniface's efforts in the analogous situation. Evaluating the significance of the events of 438, it is difficult to resist the impression that despite the enormity of the changes which should have occurred after the publication of this constitution in the *Code*, all the interested parties behaved as if it did not really matter after all. As we have mentioned, there is no direct information about the actions it led to or the papacy's reaction to the change of the Church of Illyricum's legal status in 438, but the continuation of the previous state is documented. Pope Leo the Great was very active on many levels and perhaps as a result of a generally very difficult political and military situation of the Empire, as well as other activities, he did not have the opportunity to install a vicar in Illyricum prior to 444.[80] In the letter of 12 February 444, addressed to Anastasius, Bishop of Thessalonica, he gives him the prerogatives to act on

[79] Illyricum may have been given to the East already as a result of the aid provided to Valentinian III in ascending the throne: Popović 1987: 111, but a later dating prevails: Frend 1972: 24; Mócsy 1974: 350; Bavant 2004: 307.

[80] Four years after taking over the bishopric. This is how Pietri 1984: 24 explains the delay. It should probably be assumed that there had been no need to act earlier. The matter would

his behalf in the management of the Church in Illyricum (*per Illyricum… nostra vice*).[81] In 446, the Pope became involved in two cases settled by the Bishop of Thessalonica. The first one concerned the consecration of the Bishop of Thespiai in Hellas, where the vicar intervened although all the interested parties thought it was unnecessary, because the local metropolitan should have dealt with the matter.[82] In this case, Leo shared his vicar's position.[83] He had a different opinion, however, on the matter of Bishop Atticus, the Metropolitan of Nicopolis.[84] The latter was summoned under an escort to Thessalonica in winter, which he complained about to the Pope. Pope Leo the Great accepted Bishop of Nicopolis' argument and decided to write to Bishop Anastasius to demand his obedience, so that such incidents would not come to pass in the future.[85] Leo, his spirits probably raised by the very strong support given to him by Emperor Valentinian in Gaul, purposefully went about putting the affairs in Illyricum into order.[86] One example of maintaining the earlier state after 451 is the intervention of Pope Hilary (461–468) on the matter of the illegal election of the Bishop of Adrianopolis in the province of Old Epirus which was ignored by the vicar.[87]

The Ecumenical Council of Chalcedon made no decision as to establishing who should exercise the jurisdiction over the Church of Illyricum.[88] This should not be surprising, since no one demanded it and we can therefore presume that there was no such need, which may have seemed surprising only to jurists convinced that there was a need to homogenise the law and that the imperial

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have been urgent if the Bishop of Thessalonica had been replaced. Leo's pontificate: Sotinel 1998: 280 ff.; Wessel 2008: 53 ff.

[81] The letter included in the *Collectio Thessalonicensis*: Silva-Tarouca no. XXIII (pp. 53–57, giving rights and a mention of Pope Siricius and Bishop Anysios: p. 54, 18–26). Leo sent a second letter with the same date to the metropolitans of Illyricum: Silva-Tarouca no. XXIV. A summary: Pietri 1984: 24 ff.; Wessel 2008: 116–117.

[82] This was a regular bishopric, a suffragan of Corinth: Koder 1976: 275. Pietri 1984: 27.

[83] Leo's letter (no. 13, PL 54: 663–666), also in Silva-Tarouca no. XXV.

[84] Nicopolis was the capital of the Province of Old Epirus, and the local bishop was a metropolitan: Janin 1963b: 638; Soustal 1981: 213.

[85] Leo's letter (no. 14, PL 54: 666–677). Pietri 1984: 26 ff.; Wessel 2008: 118–119. An overview of the situation: Soustal 1981: 82.

[86] In 445 Valentinian III strongly supported the Pope against Bishop Hilary of Arles, who was trying to introduce changes in the ecclesiastical organisation: *Nov. Valent.* III 17(16): *CTh.* 2.102. Herman 1953: 470; Michel 1953: 498; Wessel 2008: 58 ff.

[87] Fuhrmann 1958: 371 ff.; Duchesne 1892: 544 fn. 1; Pietri 1984: 37.

[88] Zachariae (1865: 3 ff.) thought it was logical that when there is a conflict situation, and mutually contradictory regulations, efforts should be made to resolve it. This is absolutely right, but only in terms of law, not politics. The participation of the Bishops of Illyricum in the synod of 449 and council of 451: Pietri 1984: 29 ff.

legislation had superior power. The existence of such circumstances, where on the one hand Pope Leo actually exercised supreme authority over the Church of Illyricum, and on the other hand a regulation giving this right to the Bishops of Constantinople was in effect, is ultimate proof of a peculiar situation in this region, which developed in the times of Theodosius II. On the basis of the conducted analysis of the jurisdiction over the Church of Illyricum from the angle of a lack of agreement in the sources as to the subordination of this area to the papacy, despite the hypothetical nature of our findings, we must clearly state that probably, in the face of a threat to the Eastern Empire's rule over this region, there appeared an inclination to tie it fully to Constantinople by placing the Church of Illyricum under the jurisdiction of the capital's Archbishop. The resistance of the Bishops of Rome and the improvement of the relations with the West in 421 in connection with Emperor Constantius III's death resolved the disagreement. Presumably, the most important thing for the East was to protect its rule in Illyricum and whenever it was threatened the problem of its Church's subordination returned. There was no effort to support the expansion of the Archbishops of Constantinople whenever there was no political danger, as illustrated by failing to take steps towards enforcing the decision which was beneficial to the Church of Constantinople in 438. Theodosius II's nervous behaviour in 421 shows how sensitive the East was about maintaining its jurisdiction over Illyricum whenever the relations with the West worsened, which can be explained by bad memories from the times of Stilicho and his politics, while the wording of the constitution of 421 indicates that the East strove to control the entire region. Such an interpretation is convincing in the light of Theodosius II's letter to Honorius, in which the law was repealed. On the other hand, its reappearance in the *Code* of 438, when the political relations with the West were excellent and the entire region was in Theodosius II's possession, without enforcing the law, may be convincing proof that the ruler treated the provisions of the imperial law, which were unfavourable for the papacy, only as protection in case of a change of the situation and a conflict over Illyricum. This great caution, visible in a lack of formal annulment of the law of 421, seems to perfectly explain why such an unusual situation developed. The rights of the Bishops of Rome to exercise jurisdiction over the Church of Illyricum were unquestionable on the basis of ecclesiastical law and therefore state law had to be used to make, or merely have a pretext to make, changes if needed. The changes may have been necessary if there had been a need to protect the rule of the Eastern Empire in the region, and then the provisions of this imperial law should have justified the restriction of the papacy's jurisdiction. Only if we formulate such a reconstruction of the situation in Illyricum can all the legal sources be interpreted literally, in accordance with the legal system of

the time, in all possible aspects, without questioning the credibility of other sources. The legal circumstances revealed in the imperial constitutions were inconsistent, for political reasons, with the actual legal situation based on ecclesiastical law and the popes exercising the actual jurisdiction. Neither the rulers in Constantinople nor the popes really wished to attempt to make the two regulations consistent, since it could have brought about considerably more harm than good when no one wanted to make concessions. Therefore, when analysing problems connected with the subordination of the Church of Illyricum, we should not overestimate the role of the Bishops of Constantinople.[89] They were never the main participants in the conflict, and neither were the Bishops of Illyricum. The latter took actions or initiatives whose significance was rarely more than local, and which took on political importance only when they were connected to or served the interests of the Bishops of Rome or the emperors. The episcopate of Illyricum may have regarded the replacement of direct papal authority with subordination to vicars as unfavourable. From this perspective, the direct jurisdiction of Constantinople was probably a change for the better for them.[90] It is difficult to assume that the Bishops of Constantinople themselves, even together with the episcopate of Illyricum, seriously considered questioning the jurisdiction of the papacy after the Council of Ephesus decided that tradition needed to be respected.[91]

In reconstructing the history of the Church of Illyricum in Late Antiquity, it is also important to specify the significance of the largest urban centres, at least Thessalonica and Sirmium, in the ecclesiastical organisation, because

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[89] Unfortunately, the discussion on the credibility of the *Collectio Thessalonicensis* not only completely muddled and complicated the interpretation of the sources, but also formulated theories, unjustified by the sources, about the leading role in the conflict of Atticus and Proclus, the Archbishops of Constantinople. We must clearly separate the two bishops' activities in other areas, where they are attested by documents, from the ones concerning taking control over Illyricum. Without invoking the imperial law and the ruler's actual support, any attempts to push Rome out were legally baseless and had no chance of success due to the papacy's power. A discussion of this problem in the Early Byzantine period: Bralewski 2006: 9 ff. The independent position of the Bishops of Constantinople became established only after the decisions contained in the canons of Chalcedon: Herman 1953: 467 ff.; Salamon 1975: 118 ff.; Widuch 1988: 39 ff.

[90] First of all, it created a pretext to visit Constantinople, a grand city and the Emperor's place of residence. From Rome's point of view, entrusting prerogatives to the Bishops of Thessalonica in turbulent times was rational also on the level of the bishops dealing with everyday matters, because the prefect resided there: Wolińska 1998: 89.

[91] Documents of the Councils I: 172 ff. The discussion about the Church's situation in Cyprus, which did not want to recognise the jurisdiction of the Archbishops of Antioch, led to the formulation of this general rule (Flusin 2004: 137). On the basis of ecclesiastical law, this meant that Rome had unquestionable rights in Illyricum.

simplifications lead to many misunderstandings, which is particularly visible in the context of analysing Justinian's Novel XI.[92] We should clearly distinguish between the actual position of the cities themselves, their Churches, and their outstanding bishops, in the reality of the time. This remark pertains in particular to Sirmium, which played a very important role in the Roman system of defence of the border on the Danube and was honoured to welcome the rulers numerous times. In the second half of the 4th century, in the periods when a separate Prefecture of Illyricum functioned, the Praetorian Prefect resided in this city.[93] There are no reasons to question Sirmium's outstanding role as an important, perhaps even the most important, urban centre of Illyricum from the point of view of its combined role in the state administration and the defence system, but this had no impact on the significance of the local bishop in the region's ecclesiastical organisation.[94] When Ammianus Marcellinus, describing the events accompanying the capture of Sirmium by Julian the Apostate, calls this city the capital of western Illyricum, he clearly depicts the situation from a later perspective, when the Empire was divided.[95] Even then, however, the Bishops of Sirmium did not have the jurisdiction over the Church of the entire diocese. There is no doubt that the end of this city's significance, especially in the region, was related to its destruction by the Huns in the early 440s.[96] Thessalonica, on the other hand, due to its excellent location in the communication system, its port, mint, and weapon manufacture, remained the largest city of the region, which was also frequently visited by the rulers.[97]

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92 There is lot of confusion in the descriptions of the roles of the most important ecclesiastical centres of Illyricum in entire Late Antiquity, because depending on the point of view, the role of specific centres is emphasised. From the Eastern perspective, not only Serdica: Bavant 2004: 309, but even Corinth are mentioned as Thessalonica's rivals: Koder 1976: 80. On the other hand, from the Western perspective, apart from the periodic influences of Aquileia or Milan, the importance of Salona is also stressed: Lippold, Kirsten 1959: 175 ff.; Bratož 1990: 536 ff.; idem 2011. From the legal point of view, the situation is very different and there are no attested suprametropolitan centres in this region.

93 A comprehensive analysis: Mirković 1970; Bratož 2011: 216 ff.

94 The role of Sirmium in the ecclesiastical organisation is sometimes considerably overestimated, both in general works and the ones dealing specifically with matters concerning the ecclesiastical organisation: Noll 1954: 127; Popović 1975: 103. There are no grounds to describe the local Church as the archbishopric to which Noricum was subject: Tomičić 2000: 260.

95 Amm. Marc. XXI, 10. Such a statement seems to describe the situation which developed after 395. With regard to the division of Illyricum, there are problems with the interpretation of the legal sources, in which this fact is either not recorded, or names of dioceses appear additionally. Pannonia alone was referred to as Illyricum: Coşkun 2003: 364 fn. 7.

96 Mirković 2011: 90.

97 Oberhummer 1936: 143–163; Vacalopoulos 1972: 23 ff.

In the times of Galerius, Thessalonica played the role of the residential capital in the full meaning of the term, maintaining its position of a grand urban centre with baths, a theatre, and a hippodrome in Late Antiquity.[98] Due to its size, wealth, and great tradition which went back to the Apostolic times, the Church of Thessalonica was held in high esteem, but it did not translate into an outstanding role in the organisational structures. The bishop of this city only held the function of the metropolitan of the ecclesiastical Province of Macedonia Prima. The personal roles of individual bishops in the second half of the 4th century did not have an impact on the jurisdictional rights and clear promotion of the Church of Thessalonica in the hierarchy of bishoprics, which came only with the emergence of the institution of papal vicariate in Illyricum Orientale.[99] A separate and, let us add, equally important problem arises when reconstructing the situation in the region in connection with the beginning and development of the cult of Saint Demetrius, when sometimes quite random information from various sources is cited to characterise the relations between Sirmium and Thessalonica.[100]

The problem of the Bishops of Rome's jurisdiction over Illyricum during the reign of Theodosius II is, it seems, a previously underestimated aspect of this ruler's ecclesiastical policy, which is important for a comprehensive evaluation of his rule.[101] The consistency and creativity in striving to ensure the Eastern Empire's reign over this region, while maintaining on the whole good relations with the papacy and the Western emperors, seem to do him credit as a politician. The peculiar legal situation of the Church of Illyricum, which developed under Theodosius II, also shows how much importance was attached in Constantinople to securing the best possible position in order to keep this area.[102]

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98 Schminck 2001: 117–133.

99 As an important ecclesiastical centre already in the 4th century: Koder 1976: 79; Soustal 1981: 81; Vacalopoulos 1972: 23 ff.

100 This is also indirectly the case of using Novel XI – Vickers 1973: 373 ff. Recently Tóth 2010: 165.

101 The prevailing evaluations of Theodosius as a ruler are rather critical: e.g. Lee 2000: 34 ff.; Demandt 1989: 161 ff.; Mitchell 2007: 105 ff. A positive opinion: Frend 1972: 95. Kaegi (1968: 16 ff.) emphasised the role of the Eastern Empire's help provided for the West in the 5th century. The issue of the Church of Illyricum's subordination was only one element of Theodosius' ecclesiastical policy. A discussion: Ilski 1992: 5 ff. The Emperor's attitude towards the bishops: Bralewski 1993: 39 ff.

102 The discussion about who Illyricum should belong to in 395 seems to clearly indicate Honorius; this is the conclusion which follows from interpreting the sources (St. Ambrose, *De obitu Theodosii* 5, and Olympiodorus, fr. 3). Stilicho consistently worked towards tying this region to the West. An overview of the older literature: Stein 1925: 351–354; Lotter 2003: 11 ff.; Mitchell 2007: 92.

On the basis of the data from the surviving sources, there is no reason to presume that after the Council of Chalcedon in 451 the ecclesiastical organisation of the Church of Illyricum was changed. The papal jurisdiction continued as before on the basis of ecclesiastical law, while the Bishops of Thessalonica functioned as vicars, in accordance with the earlier practice.[103] It is more difficult to characterise the situation in the region during the Akakian schism (484–519) because of a shortage of precise and unambiguous information from the sources.[104] We cannot use the late papal tradition from the 9th century as a reference point for our interpretation due to its generality, but it enables us to see the uninterrupted jurisdiction of the Bishops of Rome over Illyricum until Hormisdas' pontificate.[105] The papacy's decisive opposition to the Emperor's policy in the initial period of the Akakian schism (for religious reasons, it must be emphasised) did not lead to direct repercussions in the form of enforcing the law of 421 and giving the jurisdiction over Illyricum to the Archbishops of Constantinople. Considering our earlier findings about the genesis and principles behind the functioning of the vicariate of Thessalonica as well as Theodosius II's policy concerning this area, this should not be surprising, since there was no genuine threat to the Empire's reign over this region. This is why it is so important not to overestimate the role and significance of the institution of vicariate as such, considering the rather limited duties which rested with the Archbishops of Thessalonica as a result of performing this function. Generally, they represented the popes by delivering their statements, i.e. letters, or presiding over local

[103] A detailed discussion of the situation during the pontificates of Pope Leo's successors: Hofmann 1953: 35 ff. The popes' activities related to Illyricum from a narrower perspective: Duchesne 1892: 543–544. Pietri (1984: 24 ff.) writes about the decline of the vicariate in the period after Leo the Great. Similarly Rist 2006: 659. According to Bavant (2004: 310–311), the fact that the ambitions of the Archbishops of Constantinople were satisfied when they were given power over the Churches of Asia, Pontus, and Thrace supposedly led to them losing direct interest in taking over Illyricum after 451.

[104] A strong opposition to the decisions of the Council of Chalcedon and the policy of the rulers, who were searching for a religious compromise, led to a great disorder in the Church. Due to the role of Patriarch of Constantinople, Akakius, his condemnation by Pope Felix led to the so-called Akakian schism. A discussion: Caspar 1933: 10 ff.; Schwartz 1934: 202 ff.; Haacke 1953: 95 ff.; Hofmann 1953: 12 ff.; Fraisse-Coué 1998: 167 ff. Emperor Zeno's religious policy and discord with Rome in 484: Hofmann 1953: 47 ff.; Kosiński 2010: 106 ff., 177 ff.; Koczwara 2000: 41 ff. The decline of the vicariate of Thessalonica in connection with the Akakian Schism – Jalland 1941: 229; Wessel 2008: 121 fn. 239.

[105] The mentioned letter of Pope Nicolas the Great to Emperor Michael III, concerning the return under the jurisdiction of Rome of the ecclesiastical provinces constituting the vicariate of Thessalonica taken during the iconoclasm contains the names of the popes from the time of the Akakian schism: Felix and Hormisdas: *MGH Epp*. VI 438–439; (Dvornik 1930: 71–72); this does not prove that during the pontificates of the popes not named in this account Rome did not have jurisdiction over Illyricum.

synods. The most important prerogative was the right to confirm the election of metropolitans or, in the case of arguments, also bishops. Apart from this, they settled unspecified disputes among the clergy in Illyricum. The events of the 5th century showed that this was not an easy task, because it was governed by arbitrariness and the parties could appeal to Rome, since there were no precise and clear regulations. Taking over the bishopric, the Bishops of Thessalonica took on the duties of vicars and if there were no notorious conflicts among the clergy of Illyricum, their actions may have left no evidence. On the other hand, the wealth of information in the sources from the time of the pontificate of Pope Gelasius (492–496) seems to obscure the image of the situation and requires our analysis to include a broader reflection on the principles according to which the vicariate functioned before and after that period.

The problems related to Illyricum occupy an important place in the activity of Pope Gelasius, but many facts appear in the context of his intense efforts to defend the Chalcedonian orthodoxy.[106] During his opposition to the policy of Emperor Anastasius, the situation of the Church of Illyricum did not escape Gelasius' attention, and what is important for its reconstruction is the unusual, in that reality, choice of the addressees of the Pope's letters.[107] They were addressed e.g. only to the Bishops of Dardania or simultaneously to the Bishops of Illyricum, and it is not altogether clear whether the choice of titles was purely accidental or whether it was dictated by an actual division of that episcopate (which would be a reflection of the ongoing changes, also legal and organisational ones).[108] Dardania was part of Illyricum and, most importantly, did not border on Dalmatia, i.e. the areas managed directly by the Bishops of Rome.[109] It is equally difficult to establish the relations between Rome

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[106] Pope Gelasius took a position on several subjects, addressing the most important matters in the areas of theology, the Church's independence from the state, and the primacy of the Bishops of Rome: Caspar 1933: 44 ff.; Schwartz 1934: 222 ff.; Ullmann 1989: 35 ff.; Fraisse-Coué 1998: 171 ff.

[107] Pope Gelasius' letters and the issues he addressed: Hofmann 1953: 52 ff.; Dvornik 1958: 10; Ullmann 1989: 179 ff.; Sotinel 1998: 305; Destephen 2008: 166 ff. Specific problems, such as exercising the management of the Church of Illyricum, must be evaluated from this very broad perspective.

[108] The first letter, as the address shows, was sent to the Bishops of Dardania: Jaffé no. 623 (*Coll. Avell.* 79), the second to Abbot Natalis (Thiel: 338–339). The content of both letters concerns the threat of heresies and does not contribute anything new from the point of view of the state of ecclesiastical organisation: Hofmann 1953: 56 ff.; Destephen 2008: 167. The reply of the Bishops of Dardania has survived: *Coll. Avell.* 80 – Destephen 2008: 168.

[109] The letter of August 494 is particularly important: Jaffé no. 638 (*Coll. Avell.* 101). Honigmann (1939–1944: 144) interprets the meaning of both names in the phrase *universis episcopis per Dardaniam sive per Illyricum constitutis* as identical, i.e. synonymous: *Coll. Avell.* 101, 464, 6 ff. Other letters: Jaffé no. 664 (*Coll. Avell.* 95) – comments on this letter: Hofmann 1953:

and Thessalonica, because Bishop Andrew's ambiguous position on religious matters caused a conflict and made Gelasius completely break communion with him, which, however, probably did not result in any change with regard to the continued existence of the vicariate as an institution and perhaps Bishop Andrew even continued to exercise the traditional prerogatives of the Bishops of Thessalonica.[110] This should be attributed to a coincidence which was lucky for Bishop Andrew, because considering the determination shown by Gelasius, it is very likely that in more favourable circumstances, i.e. a longer pontificate, he would have surely taken all the available measures against him.[111] What seems to be an argument for treating this conflict as an episode which did not have legal consequences for the status of the Church of Illyricum is the reconstruction of the policy of the next pope, Anastasius (496–498), who found it possible to cooperate with Bishop Andrew in spite of his predecessor's position. The harsh evaluation of this Pope's conduct in the *Liber Pontificalis* probably reflects both the thwarted ambitions and bad experiences of the Roman clergy in their contacts with the priests implementing Emperor Anastasius' policy, and should not be overestimated.[112] In the political and religious reality of the time, the actions of Pope Anastasius II seem to indicate pragmatism on the one hand, and his conciliatory character on the other.[113] The attempts to start negotiations, which followed Gelasius' letters, indicate that there was a chance to reach an agreement, and the ongoing theological arguments probably had no impact on the legal circumstances of the jurisdiction over Illyricum. Pope Symmachus (498–514), engaged in a dispute with Laurentius, a rival for the

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57 fn. 143 and Destephen 2008: 169; Jaffé no. 716 (Thiel: 435–436) – comments Destephen 2008: 169. The entire correspondence is analysed by Destephen 2008: 167 ff. On the basis of his interpretation, Destephen (2008: 170) attempts to prove that the Bishops of Dardania achieved independence during the Akakian schism. The situation during Galesius' pontificate seems to require further studies, which would take the historical context into account, in order to find out to what extent the situation shown in the letters found its basis in the reality.

110 A fragment of Pope Felix' letter to Bishop Andrew of Thessalonica is probably a reply to the notification that Andrew took over the bishopric: Jaffé no. 617. Schwartz 1934: 76. Caspar 1933: 55 ff. It is thought that Bishop Andrew did not maintain communion with Rome: Fraisse-Coué 1998: 175; Wolińska 1998: 89.

111 Gelasius started his activity in difficult conditions, when Italy was in the middle of Odoacer's war against Theodoric. He was very decisive on the matter of Illyricum: Schwartz 1934: 223–224. While the manner of using province names in his letters may indicate a lack of understanding or not attaching importance to administrative matters, with regard to Gelasius' exercising direct power as the superior of the Church of Dalmatia it is clear that he had excellent understanding of what the role and specificity of Thessalonica was: *Coll. Avell.* 101 (pp. 466, 12–467, 6). Ullmann 1989: 179.

112 Anastasius: LP: 258; Caspar 1933: 84 ff.; Hofmann 1953: 66 ff.; Schwartz 1934: 229.

113 Frend 1976: 75; Dvornik 1951: 151.

papal throne, and the faction in Rome which supported him, for a long time did not take any steps towards finding an agreement with the Church of Constantinople, whereas Emperor Anastasius increased his efforts to ensure the largest possible support for his religious policy.[114] It can be assumed as highly likely that the pressure exerted by the ruler affected the Church of Illyricum as well; its bishops sent a letter to Symmachus, to which they received a response concerning theological matters, which indicates that there was no need to address any issues related to the sphere of administration.[115]

In the light of the surviving sources, the popes' interest in the matters of Illyricum, which consisted mainly in exchanging letters with its episcopate, cannot be indisputably regarded as confirmation of their rule in the region in the context of the information on this subject from the earlier period, but in the reality of the Akakian schism it certainly does not provide any arguments to support the theory that the jurisdiction over this area changed. Distinct and relatively unambiguous descriptions of the relations in the Church of Illyricum, especially with regard to its subordination to Rome, were contained in the numerous letters of Pope Hormisdas (514–523), which were a record of his efforts to end the Akakian schism, mainly by means of reaching an agreement with the Emperor and the patriarchate in Constantinople. It is likely that the plethora of information about the overall situation in the Catholic Church at the time, which saw many rapid turns in the papacy's relations with the successive rulers, caused the changes which occurred in the administration of Illyricum at the time, noticeable in the context of the unprecedented actions of Bishop Dorotheus of Thessalonica, go unnoticed.[116]

Vitalian's rebellion in Thrace and his military successes forced Emperor Anastasius to begin talks with Pope Hormisdas early in 515 in order to put an

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[114] Schwartz 1934: 218 ff.; Haacke 1953: 124 ff.; Frend 1972: 233; Charanis 1974: 48 ff.

[115] The pontificate of Pope Symmachus and his problems in Rome: Symmachus: LP: 260–268; Schwartz 1934: 230 ff.; Hofmann 1953: 70 ff. Wirbelauer 1993: 66 ff.; Blair-Dixon 2007: 60 ff. The letter of 512: *Coll. Avell.* 104. Hofmann 1953: 70 ff.

[116] The entire source material concerning Hormisdas' activities and the policy of the rulers of that period was actually discussed in great detail: Caspar 1933: 129 ff.; Schwartz 1934: 250 ff.; Hofmann 1953: 73 ff.; Haacke 1953: 135 ff.; Pietri 1984: 41–48; Sardella 2000: 476–483. The problem is the need to grasp or provide references of legal significance to statements about strictly religious matters. In many cases, the information from the sources is fragmentary or very brief and it is impossible to do so, and even if it is possible, e.g. in Gelasius' times, the reality of that time is ignored. Even the Pope's clear declaration, e.g. about breaking communion with the Bishop of Thessalonica, in itself did not objectively mean that the vicariate ended. As a result of a chain of circumstances it is possible to evaluate the events during Hormisdas' pontificate (with a good database of sources, let us add) from more than one point of view and over a period of a few years, which makes the results of an analysis more credible.

end to the schism in the Church.[117] The Pope agreed to the Emperor's proposal to hold a council in Heraclea, which was to begin on 1 July 515.[118] At the beginning of that same year, Dorotheus, Bishop of Thessalonica, wrote a letter to the Pope, yet its content cannot serve as a basis for drawing conclusions that would confirm the existence of disagreements or misunderstandings between them which would impact the sphere of the ecclesiastical administration in Illyricum.[119] For his part, Hormisdas acted in a restrained manner and in no way did he indicate the existence of a conflict or legal dispute, which seems to confirm Dorotheus' position as a vicar and enables us to describe the ecclesiastical relations between Rome and Thessalonica as good, considering how complicated the situation was at the time.[120] Vitalian's defeat in 515 improved Emperor Anastasius' situation and he visibly hardened his position towards Rome, however, he still did not have a completely free reign in Illyricum, which probably gave courage to the opponents of his religious policy.[121] Under the ruler's pressure, Bishop Dorotheus entered into communion with Timothy, Patriarch of Constantinople, who was obedient to the Emperor, which led to the Bishops of Illyricum assembling at a synod and declaring that they would maintain communion with Pope Hormisdas.

> τοῦ δὲ ἐπισκόπου Θεσσαλονίκης διὰ φόβον τοῦ βασιλέως κοινωνήσαντος Τιμοθέῳ τῷ Κωνσταντινουπόλεως ἐπισκόπῳ, μ′ ἐπίσκοποι τοῦ Ἰλλυρικοῦ καὶ τῆς Ἑλλάδος συνελθόντες εἰς ἓν δὶ ἐγγράφου ὁμολογίας ὡς ἀπὸ ἰδίου μητροπολίτου ἀπέστησαν ἀπ᾽ αὐτοῦ, καὶ εἰς Ῥώμην πέμψαντες τῷ Ῥώμης κοινωνεῖν ἐγγράφως συνέθεντο.[122]

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[117] A discussion of the situation during Vitalian's rebellion: Stein 1949: 177 ff.; Charanis 1974: 80 ff.; Ruscu 2008: 773 ff.; Meier 2009: 295 ff.

[118] The Emperor's letter to the Pope of January 515 and the Pope's reply: *Coll. Avell.* 107, 108. The beginning of the synod was planned for 1 July 515. The Pope's reply: *Coll. Avell.* 109 and 110. A detailed characterisation of the situation: Caspar 1933: 132 ff.; Hofmann 1953: 74 ff.; Dvornik 1958: 125.

[119] Dorotheus' letter to Hormisdas: *Coll. Avell.* 105. It cannot be ruled out that the Bishop of Thessalonica thought it fit to turn to Rome in connection with the Emperor's actions. A discussion: Hofmann 1953: 74; Dvornik 1958: 124.

[120] Hormisdas' reserve was probably dictated by caution, as a result of the earlier attempts to settle the dispute: *Coll. Avell.* 106; Hofmann 1953: 74.

[121] The Pope was making intense religious preparations, while not neglecting political ones with Theodoric the Great in Ravenna. His emissaries set off in August 515, whereas the council in Heraclea did not come to pass. The emissaries returned in the winter. The Emperor's letter to Hormisdas: *Coll. Avell.* 125. Anastasius tried to take over the initiative, which resulted in his letter to the Senate in Rome: Regesten 380; Caspar 1933: 138 ff., 141 ff.; Schwarcz 1992: 3–10.

[122] Theophanes AM 6008: 162, 19–24.

A lack of precise dating makes it difficult to put the events into chronological order.[123] It seems that entering into communion with Rome took place in the summer of 515. Dorotheus' opponents treated their position very seriously, preparing proper statements in writing, which leads us to believe that this was the beginning of an open conflict. The Emperor, clearly not wanting to reconcile himself to such a turn of events, summoned some priests from Illyricum to the capital in 515–516. The bishops: Laurentius of Lychnidos, Domnio of Serdica, Evangelos of Pautalia, Alcison of Nicopolis, and Gaianus of Naissos had to obey the order and travel to Constantinople. The latter two died in the capital, where only Laurentius remained, since Domnio and Evangelos were sent back as a result of the stance of the army in Illyricum.[124] Bishop Alcison, Metropolitan of Epirus, was particularly active on the papacy's side and therefore probably known in Palestine.[125] After his death in September 516, the Bishopric of Nicopolis was taken over by John, who notified the Pope of his election.[126] Dorotheus disapproved of this, since he wanted to be addressed on this matter, and he turned against the Bishops of Epirus and Metropolitan John, using the state apparatus.[127] The significance of these events is reflected in the fact that Hormisdas, sending another group of emissaries to Constantinople in April 517, presented the situation of the Bishops of Epirus in a separate letter to the Emperor.[128] Despite the papacy's great activity, no progress in the negotiations concerning ecclesiastical matters was made then, not only because of the Emperor's inflexibility.[129] The chain of

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[123] In his letter of 11 September, Hormisdas informs Caesarius of Arles about the large support in Dardania, Illyricum, and Scythia: *Coll. Avell.* 136. Jaffé no. 777, also Avitus of Vienna: Jaffé no. 778. Caspar 1933: 138. Hofmann 1953: 80 ff.; Pietri 1984: 44; Meier 2009: 303.

[124] This incident was described in detail by Marcellinus Comes ad 515. In this case, he does not refer to Vitalian and his soldiers, as Caspar (1933: 139 fn. 6) believes.

[125] Evagrius cites the letter of Palestinian monks to Alcison: Evagrius III, 31. His activity led to him being summoned to Constantinople, because he was in communion with Rome at the same time. This is evidenced by mentions in the letters of the Bishops of Old Epirus to Rome: *Coll. Avell.* 119: 527. The Pope also confirms this: *Coll. Avell.* 135: 557; Pietri 1984: 45; Koczwara 2000: 105 ff.

[126] *Coll. Avell.* 117. The synod of the Bishops of Epirus took a similar position: *Coll. Avell.* 119. A detailed description of Hormisdas' actions concerning Old Epirus: Caspar 1933: 142 ff.; Charanis 1974: 103.

[127] The Pope did not consent to make any concessions, encouraging their resistance, since the Bishop of Thessalonica did not maintain communion with Rome. Hormisdas' letters: *Coll. Avell.* 134, 135. Hofmann 1953: 82 ff.; Pietri 1984: 45–46.

[128] The emissaries: Hofmann 1953: 81 ff. The letter to the Emperor: *Coll. Avell.* 127. This account is more reliable with regard to the Pope's genuine influence in Illyricum than general declarations concerning the whole Empire: Jaffé no. 788. Caspar 1933: 143 ff.; Meier 2009: 318.

[129] We can even say Hormisdas failed, since his efforts had the opposite effect and offended the Emperor. Anastasius' reply to the Pope is often quoted and commented on as an example

events in Illyricum suggests that the initiative was taken over by Dorotheus, who was opposed only by the Bishops of Epirus.

The numerous letters about the conflict between Dorotheus and Rome include some valuable information about the jurisdiction over the Church of Illyricum, which may be a reference point for characterising the situation also in the earlier period. Hormisdas interceded on behalf of the Bishops of Epirus, who addressed him directly because Dorotheus had broken communion with Rome, which meant that their conduct was not a violation of the custom as such.[130] The Bishops of Thessalonica acted on behalf of the popes, which was the essence of the institution of vicariate, even when Dorotheus did not maintain communion with Rome, since breaking the bond concerned his person, not his bishopric.[131] Hormisdas' letters seem to indicate Rome's acceptance of the hitherto role of the Bishops of Thessalonica in Illyricum, and a lack of any mentions from the not so distant past about their apostasy or a loss of prerogatives means that we do not need to make too much of the results of the earlier conflicts with the popes during the Akakian schism. The vicariate as an institution continued to exist despite severe criticism of e.g. Gelasius, because there never occurred a situation when the Bishops of Thessalonica would lose their position in the region, i.e. the popes' direct authority would be restored. In the reality of that time, probably every newly elected Bishop of Thessalonica notified Rome of taking over the bishopric and entering into communion with him automatically meant that he was given the rights of a vicar, which was treated as a reflection of the continued existence of the traditional order.

The discord concerning the Bishops of Epirus should not really obscure how important Hormisdas found regaining the influence in Thessalonica, without definitively ruining the chances of a compromise.[132] In this context, the measures taken by Dorotheus are really surprising, since they exacerbated the conflict and did not serve to find an agreement with the Pope, although, given

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of a laudable stance of a secular power in the face of claims put forward by the clergy: *Coll. Avell.* 138. Caspar 1933: 148.

130 *Non igitur consuetudo neglecta sed uitata contagia*: *Coll. Avell.* 133 (p. 555, 2–3); Jaffé no. 798. Hofmann 1953: 82. Caspar 1933: 145; Schwartz 1934: 255. A detailed description of the Pope's position included in his letters: e.g. Caspar 1933: 146; Koczwara 2000: 119, but without a comprehensive reconstruction or conclusions.

131 There is a lack of analysis and comprehensive reflection, on the basis of law, of the situation of the Church of Illyricum. Only some legal nuances were noticed: e.g. Caspar 1933: 146, and Koczwara 2000: 119 after him, but there is no comprehensive reconstruction or conclusions.

132 This is clearly visible during the second legation and the characterisation of the legal situation of the vicariate: *Coll. Avell.* 134, 135; Caspar 1933: 145–146.

the existing legal relations between the Churches of Rome and Thessalonica, only such an agreement could save both him and the position of his bishopric. The Bishop of Thessalonica acted lawlessly after breaking communion with Rome, and in fact he exercised the direct jurisdiction over the Church of this region when he was no longer the Pope's representative. He took advantage of the personal involvement of Emperor Anastasius and could therefore also use the state apparatus, but this did not form a solid foundation to act on. Therefore, it is of fundamental importance to establish the basis of Dorotheus' great determination, since the Pope, supporting the Bishops of Epirus, acted as if he wanted to prove that he was the one exercising the real power in the region, which would not have mattered if the Bishop of Thessalonica's actions had been evidently unlawful and based only on using force.

Anastasius' imminent death and Justin's ascension to the throne led to a complete change in the Empire's ecclesiastical policy, since the new ruler's priority was to restore the unity of the Church on the basis of the decisions made during the Council of Chalcedon. Therefore, from the very beginning of his reign, Justin took particular care to establish the best possible relations with Hormisdas.[133] Considering, on the one hand, the great esteem in which the Pope was held by the Emperor and persons of influence in the court of Constantinople, and on the other hand the position of the Bishops of Illyricum, who already in 515 decisively spoke against Dorotheus and for the unity with Rome, it should be emphasised that both the conduct of Bishop Dorotheus and the situation in the region in 519 seem simply inconceivable. So far, it seems that scholars have underestimated the fact that despite the favourably disposed Emperor in power, Hormisdas' position in Illyricum did not radically improve, as might have been expected, and the analysis of the chain of events after he had sent emissaries to Constantinople in 519 shows that:

1. Virtually no information remains about a widespread support for Rome apart from Epirus and the Province of Prevalitana, when the fear of Dorotheus and of the state administration, which he had used before, should not have paralysed the activities of the episcopate of Illyricum, who sympathised with the Pope so clearly in 515.[134] When

[133] The ecclesiastical policy of the new ruler: Vasiliev 1950: 132 ff.; Dvornik 1958: 129 ff. The letter to the Pope notifying him of his ascension to the throne: *Coll. Avell.* 141; Caspar 1933: 150 ff.; Regesten 393.

[134] Hormisdas' legation to Constantinople was very carefully prepared and the Praetorian Prefect of Illyricum was also notified about it: *Coll. Avell.* 153; relevant mentions were noted by Pietri 1984: 43 and fn. 73. A detailed description of what happened during the legation: Caspar 1933: 152; Hofmann 1953: 88 ff. The bishops' position: *Coll. Avell.* 166, 213, 214. Koczwara 2000: 160–161.

describing the actions of the Bishop of Thessalonica at that time, it is usually emphasised that he stalled for time, since he did not announce his communion with Hormisdas immediately when the Pope's representatives were leaving for Constantinople. Dorotheus declared that a synod of his bishops should take place first and, importantly, this was approved by the Pope's emissaries, whom he did indeed notify through his apocrysarius in the capital of the synod's decision.[135]

2. In the autumn of 519, Hormisdas' emissaries arrived in Thessalonica and the city became a scene of riots sparked by Dorotheus' entourage, as a result of which the Pope's emissary, Bishop John, was seriously injured and his two servants were killed. These and other events which took place in Thessalonica were reported back to the Emperor and the Pope in detail.[136] The latter demanded that Dorotheus should be deposed and pointed out the involvement of his closest associate, priest Aristides, in organising the riots, so that he would not succeed him as bishop. Despite such serious charges, Dorotheus managed to hold on to the bishop's throne and, equally importantly, Aristides became his successor.[137]
3. There are mentions in the surviving sources which seem to attest the use of the title of patriarch by Dorotheus, which does not seem accidental. Theophanes the Confessor wrote in his *Chronicle* that the historian Theodorus referred to the Bishop of Thessalonica as patriarch, for unknown reasons:[138]

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[135] *Coll. Avell.* 167 (p. 618, 23–27): *sed quia episcopi, qui sub eius sunt ordinatione constituti, omnes non aderant, in praesenti hoc conuenit, hoc promisit, ut post dies sanctos uno ex nobis a sede Constantinopolitanae urbis directo congregatis episcopis, qui in eius sunt dioecesi constituti, libellum subscriberent*. The phrases used here seem to prove that the bishops of the diocese, i.e. Illyricum, rather than the province, i.e. Macedonia I, were meant. This incident is evaluated from a later perspective, when Dorotheus would continue to put up resistance: Hofmann 1953: 89. It follows from the next account that the synod presided over by Dorotheus was held and the Pope's emissaries in Constantinople were notified of this: *Coll. Avell.* 225. This time the phrase is: *congregata synodo de paroecia ecclesiae Thessalonicensis…* (p. 688, 23), which allows us to regard this assembly as less important. Vasiliev 1950: 175, 185 does not pay attention to this in his analysis.

[136] *Coll. Avell.* 225, 186. Vasiliev 1950: 185 ff. Comprehensive descriptions and analyses of the situation in Thessalonica against the background of the fight against Monophysitism: Caspar 1933: 165 ff.

[137] The Pope's position: *Coll. Avell.* 226, 227, 185. Dorotheus' letter to Hormisdas and the Pope's answer: *Coll. Avell.* 208, 209. Schwartz 1931: 141–142; Pietri 1984: 47–48.

[138] Theophanes AM 6008: 162, 24–25. A commentary on Theophanes: Mango 1997b: 246. Dorotheus' titulature recorded by Theophanes may be a valuable piece of evidence of the high position he managed to achieve and there is no reason to reject or underestimate this

τὸν δὲ Θεσσαλονίκης ἐπίσκοπον Θεόδωρος ὁ ἱστορικὸς πατριάρχην ὀνομάζει ἀλόγως, μὴ εἰδὼς τὸ διατί.

The placement of this remark after the account of the opposition of the Bishops of Illyricum and Greece against the Bishop of Thessalonica seems to indicate clearly that it referred to Dorotheus. Theophanes did not know the reason why such a high title was used in reference to the latter and expressed his surprise. At the time when he was writing his work, i.e. in the early 9th century, the rank of the Church of Thessalonica did not stand out and there were no vivid traces in the tradition that the local bishop had ever held such a position. Theophanes was not familiar with the situation in Illyricum in the early 6th century and his knowledge was based, as he stated himself, on the work of Theodorus Anagnostes, which he knew from an *Epitome*, probably dating back to the early 7th century.[139] It was there that a doubt about the use of the title of patriarch by the Bishop of Thessalonica was expressed.[140] It seems that there are no grounds to reject the information of Theodorus, contemporary to these events, which Theophanes used via the *Epitome*. This may be evidence of Dorotheus using the title of patriarch, which can be regarded as a visible manifestation of his efforts to become independent and to create an autonomous ecclesiastical province. Taking the entire material from the sources into consideration, we should not underestimate the Bishop of Thessalonica and we must certainly rule out that only ambition and pride could have driven such an experienced and clever clergyman to usurp the title which, it would seem, he had no right to use, since it was held only by the bishops of a handful of cities in the Empire.[141]

Without simplifications, notorious evaluation of earlier events from the perspective of later ones, and complete disregard for legal circumstances, it is impossible to explain the genesis, development, and surprising finale of Hormisdas' conflict with Dorotheus. Probably, the great caution and wariness

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account. It is usually mentioned: Duchesne 1892: 545; Laurent 1960b: 691. Grégoire (1933: 71) quotes a mention about using the title of patriarch at the synod in Constantinople in 536 by the Bishop of Thessalonica, Epiphanius. Hofmann (1953: 80) uses the term Patriarchate of Thessalonica in his description of the situation in Illyricum in 516.

139 Theodorus Anagnostes was the author of *Historia Ecclesiastica* and probably wrote at the beginning of Justinian I's reign. He was connected with Constantinople; writing about the situation in Anastasius' times, he was familiar with the situation at that time: Nautin 1994: 213 ff.; Janiszewski 1999: 116–117. His work has survived in fragments.

140 Theodorus Anagnostes: XXXII, 150, 25–26: ἰστέον δὲ ὅτι πατριάρχην ὀνομάζει τὸν Θεσσαλονίκης ἐπίσκοπον ὁ ἱστορῶν, οὐκ οἶδα διατί.

141 Other cases in Late Antiquity when the title of patriarch was sometimes also used by regular bishops as a reflection of local customs: Grégoire 1933: 69–76.

characterising Dorotheus' actions in 515 did not stem from his supporter Emperor Anastasius' problems in the region, but mainly from the division in the Church and from reluctance against clearly taking one side, so as not to offend the other one. It was difficult to predict then how the events would unfold and any mistake in evaluating the situation could lead to provoking the ruler's anger or losing the Pope's trust. It seems that the most likely explanation of Dorotheus' stronger position after 515 and his consistent support for the Emperor is the assumption that Anastasius persuaded him to cooperate and issued a privilege for the Bishopric of Thessalonica. He promoted this Church on the basis of state law and gave it the jurisdiction over Illyricum. As a result, he created a strong foundation for his ecclesiastical policy in the region, winning over Dorotheus, who from that moment on fought against Rome for his own interests. The issue of a document for the Bishopric of Thessalonica would explain Dorotheus' strong position after 515, when the Bishops of Illyricum, initially opposed to him, took his side, with the exception of Epirus.[142] Taking away the papacy's jurisdiction over Illyricum and giving it to Constantinople, Emperor Anastasius would not have gained anything apart from new problems, which would have buried his religious policy. On the other hand, by promoting Thessalonica, he won the support of Dorotheus and entangled Rome in a difficult conflict, without putting the Bishops of Constantinople at risk. Hormisdas' conduct indicates that he was fully aware how important it was for Dorotheus to maintain and exercise the actual jurisdiction over the Church of Illyricum in order to strengthen his position in the region also on the basis of ecclesiastical law and therefore he tried to prevent it. A visible sign of Dorotheus' increased importance could also have been the use of the title of patriarch, which considerably increased his prestige.[143] Taking into consideration how unfavourable for the Bishop of

[142] It follows from later events that the Bishops of Illyricum succumbed to the Emperor's pressure and returned under Dorotheus' jurisdiction. From this moment on, probably depending on the circumstances, they could support either of the sides. If there had been a need to decide definitively who they accepted as their direct superior, the credibility of their declarations would not have really mattered. This is probably why it was so important to Hormisdas for Metropolitan John and the episcopate of Old Epirus not to give in to Dorotheus' pressure. The Pope forbade them from turning to Thessalonica under a threat of breaking communion with them: *Coll. Avell.* 135; Koczwara 2000: 117. He wrote and sent another letter to John, wishing to involve him in his actions: *Coll. Avell.* 121, Jaffé no. 782; *Coll. Avell.* 123 and 124. Hormisdas to the Bishops of Epirus: *Coll. Avell.* 120; Jaffé no. 781. He succeeded and the Bishops of Epirus permanently supported the Pope, as follows from later events. Hofmann 1953: 80; Pietri 1984: 38 ff.

[143] Documentation on Dorotheus and his biography: Laurent 1960b: 691. Papal documents concerning Dorotheus: Jaffé 681, 772, 795–796, 798–799, 838, 840, 852, 858.

Thessalonica the turn of events was in Justin's times, it can be regarded as very likely that he took the opportunity to use the argument about obeying imperial law in his defence and Hormisdas did not manage to have him deposed and tried. Dorotheus' impunity cannot be explained by the fact that, whereas an agreement on theological matters was quickly reached, ending the Akakian schism in March 519, enforcing the conditions imposed by Rome across the whole Empire was difficult, especially with regard to the return of the deposed bishops, supporters of Chalcedon.[144] In the context of so many cases of patriarchs and bishops removed from their sees, Dorotheus' impunity is exceptional in the scale of the whole Empire.[145]

The most likely hypothesis seems to be that the clever bishop, who knew the legal situation, could have used his loyalty to the ruler and respect for imperial law to justify himself if he had been tried before a court. This, however, does not explain everything. If threatened, Dorotheus could have brought about the decision on the jurisdiction over Illyricum in order to make the legal status based on ecclesiastical regulations consistent with imperial law, but apparently nobody wanted this to happen. Aside from the problem of putting Dorotheus on trial, it is worth noting that he was not even deposed. He held his office until his death, and his successor was Aristides, his closest associate from the times of their opposition against Rome and cooperation with Emperor Anastasius, which may be a confirmation that Justin probably did not go against his predecessor's decision which had put the Church of Thessalonica in a peculiar situation. On the other hand, the Emperor did not question Rome's jurisdiction over Illyricum on the basis of ecclesiastical law. As a result, in principle things returned to the situation which had developed in Theodosius' times, except for Thessalonica. The bishops of this city, Dorotheus and his successor Aristides, were discredited in the eyes of the papacy and maintained their positions only in the city, which should still be regarded as their success, considering Justin's and Justinian's pro-Roman ecclesiastical policy.[146] It seems that it was then when the vicariate of Thessalonica ended and Rome took over direct authority over the Church of Illyricum. It probably became a noticeable fact for the contemporaries at

[144] Regesten 409. Uthemann 1999: 8 ff. The trouble with restoring the bishops supporting Chalcedon shows that the Emperor had to take the moods among the people into consideration. Hormisdas called on the Emperor to act decisively: Vasiliev 1950: 188 ff. However, this does not explain the situation in Thessalonica, or the wealth of its bishop, as Koczwara 2000: 192 emphasises.

[145] Possible manner of trying Bishop Dorotheus: Prostko-Prostyński 2008: 127 ff.

[146] Vasiliev (1950: 187) correctly quotes *Vita Davidi* to emphasise how much Bishops Dorotheus and Aristides were respected in the city. The Emperor forced Dorotheus to subordinate to the papacy on theological matters: *Coll. Avell.* 237, Koczwara 2000: 195. Caspar (1933: 169) wrongly points out the contrast with Leo's times and with his power over the vicariate in his evaluation of Dorotheus.

the time when Aristides took over the Bishopric of Thessalonica, because even if he notified Rome of his election, he did not receive the confirmation of the rights of vicar. Aristides' position in Thessalonica was unthreatened, but in Illyricum he could do nothing against the Pope without the Emperor's help. Generational changes among the metropolitans led to the election of bishops who received confirmation of their election directly from Rome and so the tradition of Thessalonica representing the papacy finally ended.

The historical background of the establishment of the archbishopric of Justiniana Prima

Even before ascending the throne, Justinian proved to be very interested in religious matters. He actively participated in overcoming the effects of the Akakian schism and in finding common ground for an agreement between various groups of Christians, striving to end the division caused by the judgements of the Council of Chalcedon.[147] This is important in the context of examining the genesis of the Archbishopric of Justiniana Prima because it also concerns the position and role that the papacy played in the broadly defined religious policy of the Empire before 535.[148] As an Emperor, Justinian had many more opportunities to act and he took full advantage of this, but it is difficult to reconstruct all aspects of his religious policy, especially its beginnings and the changes of theological views that took place. Generally, it is considered to be the most important to determine whether the Emperor was always a professed opponent of the Monophysites, or whether at the start of his reign he was open to all views that could be conducive to uniting the divided Christians. The abundance of sources does not make the analysis any easier, because the data provided in the first part of the *Code*, which could serve as a reference point in our examination, are difficult to date.[149]

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[147] The entire material from the sources concerning the Emperor's activity in this area from the beginning of his reign has been gathered, organised, and discussed in terms of chronology: Uthemann 1999: 5 ff. For a breakdown of sources according to thematic criteria see Capizzi 1994: 20 ff. Leppin 2006: 6 ff.; Leppin 2011: 92 ff.

[148] Haacke 1953: 155 ff. General discussion: Maraval 1998: 389 ff. Data on Rome: Dvornik 1958: 127 ff., 266.

[149] Leppin 2006: 8 ff.; Olster 1989: 165 ff. There are problems with the dating of the information but its message is understandable with regard to e.g. the general guidelines for establishing the hierarchical order among bishoprics: Markus 1979: 280 ff.

Justinian's attitude towards the papacy is not easy to evaluate, which results not only from differences in the assessment of particular episodes of the mutual relations on a theological plane, but also from the need to interpret it within the broader context of the relations between the state and the Church against the background of earlier rulers' policies. From the latter perspective, it is the easiest to justify Justinian, to note the advantages of his desire to set many issues (from theological to organisational ones) to rights, and to emphasise the incredible esteem and respect that he showed towards the Bishops of Rome, acknowledging their special position in the Catholic Church.[150] In the wealth of sources concerning the entirety of Justinian's reign, we will find information that will allow us to outright condemn the Emperor for imposing his will on the Church, or to search for other inspirers of his actions and perhaps even see him as an unwitting implementer of other people's ideas.[151] Undoubtedly, at the beginning of his reign Justinian was very reserved and cautious as a politician in his dealings with the papacy, with which he had very friendly official relations.[152] Before promoting Justiniana Prima to the rank of an independent archbishopric, the Emperor had not been active in the sphere of transforming the ecclesiastical organisation; on the other hand, considering his career up to that point, there are reasons to believe that he was quite familiar with the situation in Illyricum.[153] However, the only certain traces of his previous activity concerning this region with regard to the ecclesiastical organisation are: the inclusion in the *Code* of the repeatedly mentioned law of Theodosius II concerning the Bishops of Constantinople taking over the jurisdiction over the Church of Illyricum, and the intervention in the matter of appointing the Bishop of Larissa. In themselves, the two events do not contribute much, but when interpreted in the historical context, they provide extremely important information about the administration of the Church of Illyricum and about Justinian's respect for the position of the Bishops of Rome.

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[150] Vasiliev 1952: 128 ff. A comprehensive discussion of the reign in a broad perspective, favourable to the Emperor: Dvornik 1966: 814 ff., 829 ff.; Dvornik 1985: 51 ff. A decisively negative assessment: Meyendorff 1968: 43 ff.

[151] This was a view expressed by Anastos 1964: 2.

[152] Olster (1989: 166 ff.) notes the ambiguity of the wording of Justinian's texts, which can be correctly interpreted only in their direct context; the question whether e.g. some phrases may have been threats remains open. Also Anastos 1964: 4 ff.

[153] Administrative changes led to transformations on the provincial level and in the status of ecclesiastical metropolises: Maas 1986: 17 ff.; Wiewiorowski 2010: 685 ff. Justinian hailed from Illyricum and as a result of his personal experiences from the time when Justin's religious policy was taking a new direction, he was not solely dependent on the opinions of his advisors.

The most certain reference point for the assessment of Justinian's policy in the region is the law from 421 included in the *Code*:

> *Omni innovatione cessante vetustatem et canones pristinos ecclesiasticos, qui nunc usque tenuerunt, et per omnes Illyrici provincias servari praecipimus, ut, si quid dubietatis emerserit, id oporteat non absque scientia viri reverentissimi sacrosanctae legis antistitis urbis Constantinopolitanae, quae Romae veteris praerogativa laetatur, conventui sacerdotali sanctoque iudicio reservari*.[154]

Formulating definitive conclusions on the basis of analysing events from the beginning of Justinian's rule is quite difficult because we cannot be certain whether the first version of the *Code* of 529 included the law of Theodosius II, which we know from the records of 534. This circumstance is not insignificant for the assessment of the reason why the Patriarch of Constantinople intervened in the matter of appointing the Bishop of Larissa, which led to a disagreement that was ultimately to be settled in Rome. The very participation of Patriarch Epiphanius effectively obscured the need for a more in-depth analysis, providing the seemingly most rational explanation in the light of the *Code*'s provisions.

After the death of Proclus, the Metropolitan of Larissa, Stephen was chosen as his successor, with the assent of the people and clergy. He used to be a soldier, which he, incidentally, did not try to hide. The synod of provincial bishops of Thessaly completed the formalities connected with Stephen taking over the metropolitan see of Larissa. The harmony was very short-lived, and immediately after he was ordained, complaints about Stephen were made in front of the Patriarch of Constantinople, who deposed the Metropolitan.[155] The latter did not accept this decision and three appeals were lodged in Rome with regard to his deposition: two by Stephen himself and one by the bishops who supported him. Pope Boniface permitted the appeals to be presented and examined them during the synod in Rome on 7 December 531. It was in connection with this matter that documents concerning the Pope's jurisdiction in Illyricum since the times of Pope Damasus (known as the *Collectio Thessalonicensis*[156]) were submitted. The conflict about the appointment of the Bishop of Larissa is of fundamental importance for the analysis of the situation of the local Church and Justinian's familiarity with the subject, but it must be remembered that the

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[154] *CIC* II: 1.2.6. Discussion: Zachariae 1865: 2; Friedrich 1891: 885.

[155] A detailed account of the events, including the appeals: Silva-Tarouca, no. 1, 2, 3 (pp. 1–15); Schwartz 1931: 139 ff.; idem 1934: 139–142.

[156] Silva-Tarouca 1937: V ff.; Jaspers 2001: 81–83.

documentation is incomplete. Only the arguments of Stephen and the bishops who supported him are known to us, whereas the complaints against him, the files from the trial before the Patriarch of Constantinople, and the ruling of Pope Boniface itself have not survived. According to Stephen, Patriarch Epiphanius, without initiating any proceedings, pronounced his appointment as Metropolitan of Larissa as uncanonical and ordered his deposition; this sentence was repeated after he had been brought to the capital, even though Stephen declared that he had appealed to Rome.[157] The Bishop of Thessalonica did not participate at any stage of the trial, which indicates that he did not have the powers of a vicar.[158]

The decision of Patriarch Epiphanius in the matter concerning the Bishop of Larissa can be directly related to the provision of imperial law concerning the rights of the Archbishop of Constantinople to the jurisdiction over Illyricum, because the constitution of Theodosius II may have been published already in the *Code* of 529. Although accepting such a genesis of the Patriarch's actions cannot be ruled out, it seems that Epiphanius' intervention was not an attempt to introduce an order based on state law in the administration of the local Church. Theoretically, various hypotheses can be constructed about the ambitions of the Patriarch of Constantinople to take advantage of this case. However, if we consider the broader context and go beyond citing the constitution of Theodosius II from Justinian's *Code*, it will be difficult to credit Epiphanius with independently making such an important decision which belonged to the competencies of the ruler, since he had to take into account the negative effects it would have for the relations with the papacy, which played such an important role in Justin's and Justinian's religious policies.[159] There is nothing to indicate that the Emperor himself wanted to divest the Bishops of

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[157] In the first letter, Stephen complains about the behaviour of Patriarch Epiphanius and mentions the Pope's rights to jurisdiction over Illyricum. Stephen clearly states that he is addressing the Pope because Illyricum falls under his jurisdiction: *…Hoc enim opus vestrum est beatissimi , die ac noctu sanctorum patrum et venerabilis atque apostolicae vestrae sedis leges atque constituta in omnibus quidem ecclesiis praecipue autem in vestra Illyrica provincia custodire*. – Silva-Tarouca, no. 1, 182–186. The statement of the Bishop of Echinos after the appeal was read concerns the same matter: Silva-Tarouca, no. 3, 95–97.

[158] Thessalonica only appears as the place where Stephen meets a representative of Patriarch Epiphanius, who takes him to Constantinople. The importance of the city is described but there is no mention of the local bishop's participation or right to participate in settling the matter: *Andreas ad Thessalonicensem magnam civitatem veniens:* Silva-Tarouca, no. I, 128–129, also I, 119. In the next statement: Silva-Tarouca, no. II, 32–33. Schwartz 1934: 142.

[159] Pope John's reception and stay in Constantinople, where he travelled on Theodoric's order, were very well-received in Rome: Johannes – LP: 272–278. Vitiello 2005: 81 ff.; Sotinel 2005: 277–288. An evaluation of successive popes from the beginning of the 6th century: Caspar 1933: 121 ff.

Rome of their right to administer the Church of Illyricum. Considering all the circumstances, we should not, as it seems, attach too much importance to Epiphanius acting as the judge for Metropolitan Stephen. Even on the basis of ecclesiastical law it could have been justified and explained not only by the judiciary powers that his Church had on the basis of the canons of Chalcedon, but also by the situation of the papacy at the time. In the 520s and 530s, there were frequent changes on the papal throne, which made dealings in Rome more difficult, all the more so that the Pope's decisions could also have been influenced by the political interests of the Ostrogoths, and it cannot be ruled out that Stephen's enemies simply wanted to eliminate him as quickly as possible. Pressing a charge in Rome would prolong the time it would take to examine it and could have led to further delays in imposing the sentence in the case of Stephen's resistance until the state administration could provide help. Ultimately, Patriarch Epiphanius sent the documents to Rome, and the consecration of the new Bishop of Larissa, Achilles, proceeded in accordance with Justinian's will. The response of Pope Agapetus of October 535 is composed and generally emphasises the judiciary powers of Rome.[160]

Discussing the case of Metropolitan Stephen's deposition, we should consider whether the specific circumstances did not justify Epiphanius, acting in the broadly understood interest of order in the Church, with the ruler's permission but without far-reaching goals of restricting Rome's jurisdiction. The situation in Illyricum is unclear after 515, due to the very strong position of Bishop Dorotheus and Aristides succeeding him despite their attrocious relations with the papacy. Therefore, if in 529 the constitution of Theodosius II was included in the *Code*, then on the basis of imperial law it weakened not the position of Rome, which operated on a different basis, but probably the position of the Church of Thessalonica. In this context, it is worth noting the not altogether understandable behaviour of Metropolitan Stephen, who, as he claimed himself, was aware of the papacy's right to try his case from the beginning, but instead of travelling from Larissa to Rome by the fastest route, found himself in Thessalonica. Considering the entire case of the Bishop of Larissa's deposition, including its finale, the most advisable thing to do seems to be not to overestimate its impact on the change of the legal situation of the Church of Illyricum and not to read claims for supremacy in the region into the intervention of the Patriarch of Constantinople.

Including the constitution of Theodosius II in the amended *Code*, already at the end of 534 Justinian took a definitive stance on the matter of the

[160] *Coll. Avell.* 88. Friedrich (1891: 876) sees the Pope's role only as the last instance in trying a bishop, and unrelated to the supremacy of the Church of Illyricum. Caspar 1933: 208 ff.

subordination of the Bishops of Illyricum to the bishops of Constantinople on the basis of imperial law. As the subsequent events showed, the Emperor's objective was not to enforce this law, but to introduce a change, as indicated by the issuing of Novel XI on 14 April 535. We are, therefore, witnessing a very sudden turn in the policy, whose reasons are very difficult to determine. In this context it is also worth recalling the basic facts about the city built by the Emperor to honour his native country. The progress on the construction of this centre was not recorded in the sources, but there are no reasons at all to date the idea of this foundation to the period after the *Code* had been issued or to assume that the Emperor had not anticipated it and therefore, several months later, published Novel XI, introducing another modification of the ecclesiastical organisation in Illyricum. The reading of this constitution gives us an irresistible impression that an actually existing centre was referred to by the term which the Emperor used, i.e. 'our country.' There was no need to specify its size in the document, and the plan to move the prefect's seat there is an even clearer confirmation of this fact. Such reflections on the date of issuing Novel XI in connection with the provisions of the *Code* and information about the city erected by the Emperor to honour the place of his birth, are very important in our search for the reason why the Archbishopric of Justiniana Prima was established.

An analysis of sources documenting the functioning of the ecclesiastical organisation in Illyricum before Novel XI was announced shows that Illyricum was subject to Rome on the basis of ecclesiastical law. The specific character of the local Church, as we have mentioned, consisted in the fact that the pope had jurisdiction over Illyricum, but separate imperial regulations gave the supreme authority there to the Bishop of Constantinople on the basis of state law. This situation officially started in 438 and after possible turbulences in the time of Anastasius, who favoured Thessalonica, it was finally confirmed by Emperor Justinian in the *Code* at the end of 534, which leads us to assume that the need to issue Novel XI arose suddenly after that date and may have been related to the situation in which both the papacy and its political superiors, the kings of the Ostrogoths, found themselves.

Issuing Novel XI on 14 April 535, Justinian introduced a very important modification in the administrative structures of the Catholic Church, creating, by the law of the state, an independent Church with its own province. This was brought about at the expense of the Bishops of Rome, by taking away some of the power traditionally belonging to them in the territories of Illyricum Orientale. Appreciating the historical scale of the Emperor's move on the one hand, and the scope of the decisions revealed in Novel XI and the official argumentation given by the ruler on the other hand, it is possible to seriously

question the honesty of his declaration. We cannot consider the promotion of Justiniana Prima in purely local categories, because Justinian, giving the new archbishop only the northern part of Illyricum, did not even solve the problem of the jurisdiction over the local Church as a whole. It is worth noting that he would be risking the resentment of Rome, whose bishops were the pillars of the Chalcedonian Orthodoxy in the Empire, for a very small gain. At the same time, he demonstrated before the entire Catholic Church that it was still possible to introduce fundamental changes in the hierarchy of bishoprics and their subject provinces. As if that was not enough, he also decided to transform the organisational structure of the Church, without giving any reason dictated by the needs of the Church itself. Against this background, the argument in Novel XI that the Emperor wants to honour his birthplace by granting such great prerogatives to Justiniana Prima, not only sounds unconvincing but outright false. When analysing the circumstances of establishing this archbishopric we should always emphasise that every emperor could have wanted to introduce similar changes using this argument, which would have paved the way to perhaps completely arbitrary modifications of the ecclesiastical organisation, whereas during entire Late Antiquity we note the opposite tendency, expressed by bishops, to maintain its permanence. The establishment of the Archbishopric of Justiniana Prima was such a momentous change that its introduction does not seem accidental, does not seem to stem from the need to make short-term changes in Illyricum, and does not seem to be merely an ambition of the Emperor. Pope Leo's resistance against the promotion of the Church of Constantinople in 451, and Pope Gelasius' criticism against considering the significance of cities outside the ecclesiastical sphere and assigning their Churches a prominent position on this basis were aimed against the capital of the Empire, clearly indicating Rome's position on the matter.[161] It is only in the context of the Popes defending their position in the Catholic Church that it becomes clear how determined Justinian was when he decided to introduce such a considerable modification of the ecclesiastical organisation based on an administrative reason at the expense of the papacy.

A reconstruction of the history of the ecclesiastical organisation in Illyricum enables us to find a reference point for analysing Novel XI, which is incredibly important because the constitution in question is an example of

[161] Pope Leo opposed the promotion of the Church of Constantinople in Chalcedon, addressing the questions of the significance of the city itself and its political importance: Martin 1953: 433 ff.; Salamon 1975: 118 ff.; Wessel 2008: 297 ff. The position of Pope Gelasius is important due to the very broad context of his arguments and the short time that had passed since he had expressed his views: *Coll. Avell.* 95. Caspar 1933: 80; Dvornik 1958: 112 ff.; Frend 1972: 195; Ullmann 1989: 180.

imperial law which could, in agreement with the canons, shape the order of the ecclesiastical organisation. The document establishing the Archbishopric of Justiniana Prima is silent on any role played by the Bishops of Rome and Constantinople in Illyricum, while emphasising the special role of the Bishop of Thessalonica. This may seem surprising only at first glance, considering the collapse of the institution of vicariate and the loss of the prerogatives which the Church of Thessalonica had been granted by Rome, which occurred as a result of Dorotheus' and Aristides' actions. Novel XI, which was an imperial constitution, clearly mentions the most important issues regulated in the legislation of this kind, which supports the hypothesis that Anastasius had granted the Bishops of Thessalonica a privilege giving them the jurisdiction over this territory. Presumably, this is why Justinian so consistently and emphatically pointed out the independence of the Archbishop of Justiniana Prima from Thessalonica, additionally reminding everybody that the prerogatives of the local bishop are related to the institution of the prefecture.

On the basis of the analysis of Novel XI we can conclude that the fragment about the Prefecture of Illyricum is auxiliary to the main topic, i.e. the establishment of the Archbishopric of Justiniana Prima. If we consider Justinian's decision on the form of its designated ecclesiastical province, we can see clearly that he himself did not obey the rule of the subordination of the Church within the entire prefecture to the bishop of the city in which the prefect resided. On the other hand, on the basis of studies on the situation of the Church in the region, we can provide compelling arguments to support the thesis that there was a connection between the fragment about the prefecture in Novel XI and the situation at the time. Very likely, the point was to show the source of the prerogatives of the Bishop of Thessalonica, rather than to claim anything from the Ostrogoths with regard to their possession of Sirmium and the other territories which had been part of the Prefecture of Illyricum in the past.

After the death of Theodoric the Great in 526, the dominance of the Ostrogoths was seriously undermined. The power was assumed, on behalf of her underage son Athalaric, by his mother Amalasuntha, daughter of the deceased king.[162] She was unable to stop the sudden increase of power of the Franks,[163] but she managed to secure the domains in Illyricum against the Gepids, who attempted to recapture Sirmium but were defeated.[164] In the light of her relatively

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[162] Amalasuintha: *PLRE III*: 65; Athalaricus: *PLRE III*: 175–176.

[163] Her propaganda tried to advertise her successes also with regard to the Franks. She managed to keep the prefecture of Gaul but her allies – the Thuringians and the Burgundians – suffered defeats, which upset the balance: Wolfram 1988: 336 ff., Halsall 2007: 395, 511.

[164] Cassiodorus praises Amalasuntha for *contra Orientis principis votum Romanum fecit esse Danuvium*: Cass., *Variae* XI 1.10; Gračanin 2006: 56. I discuss this problem in a different work.

weak position in her own country, she strove to maintain good relations with Justinian and, it seems, she was successful in the long term.[165]

Only when Athalaric died on 2 October 534 was Amalasuntha's authority threatened; she attempted, unsuccessfully as it later transpired, to secure her continued rule by partnering with Theodahad.[166] The latter, as a representative of the Amali dynasty, was suitable for the role of co-regent as a king that the Goths sorely needed.[167] Taking advantage of the favourable situation, Theodahad imprisoned Amalasuntha already at the end of 534 and before 30 April 535 he allowed the relatives of the conspirators she had had executed to murder her.[168] The news of the Queen's death probably reached Constantinople in the spring.[169] Theodahad made an attempt to maintain peace by negotiating with the Emperor, in which he was supported by the Roman Senate. Already in 535, the imperial forces commanded by Belisarius captured Sicily, while another general, Mundo, took Dalmatia. In these circumstances, Theodahad continued to negotiate with the Emperor, trying to prevent his situation from deteriorating even further. The surviving sources even contain information about the conditions under which he was ready to abdicate.[170] It seems that there is no reason to believe that Justinian had been planning a war with the Ostrogoths in advance and had been deliberately pursuing it.[171] The course of events seems to suggest that the Emperor only responded to how the situation in Italy developed and it was probably Amalasutha's tragic death and Theodahad's policy that were decisive for the outbreak of the war in 535 and its escalation in 536. In the same year, the Goths' defeats led to the removal of the discredited king, who was replaced by Witiges.[172]

There is no doubt that the establishment of an independent archbishopric in Illyricum coincided with a period of a visible weakening of the Ostrogoths,

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[165] For conspiracies see Wolfram 1988: 336.

[166] Undoubtedly, after the death of Athalaric Amalasuntha's position was weakened and she had to legitimise her power by means of an agreement with Theodahad: Rubin 1995: 73 ff.; Wolfram 1988: 337–338; Tate 2004: 592 ff.

[167] Theodahadus: *PLRE IIIb*: 1067–1068. An analysis of the characterisation of this king in Procopius: Rubin 1954: 156.

[168] Strzelczyk 1984: 146; Procop., *De bell.* V 4, 12 ff., 26 ff. Stein 1949: 338 ff.

[169] This is the general dating proposed by Wolfram 1988: 339.

[170] Procop., *De bell.* V 6, 6, 10 ff. Rubin 1995: 92 ff.; Wolfram 1988: 340. Chrysos (1981: 431–474) discusses and analyses the data concerning the agreement which may have been worked out between the Emperor and Theodahad in a broad historical context.

[171] There is no evidence of this in the sources, even secondary ones. For a discussion see Chrysos 2002: 38, but it is still said that this was a goal towards which the Emperor had been working for years: Millar 2008: 65.

[172] The events during the war in Italy in Procopius: Rubin 1954: 158 ff.; Rubin 1995: 98 ff.

the political superiors of the papacy. At the time when Novel XI was published, the situation in Italy was far from stable, but there is every indication that the tragic end of Amalasuntha could not have been predicted. Similarly, nothing urgent or sudden happened in Illyricum, so it is difficult to pinpoint the direct cause of issuing the novel in relation to the political or ecclesiastical situation at a point where the interests of the Empire, the Ostrogoths, and the papacy met. If we broaden the context of our analysis to include the situation of the entire Catholic Church, we will note that Justinian was introducing (for personal reasons, as he officially declared) a considerable modification of the organisation of the Church of Illyricum, while he put off regulating very urgent matters concerning the Church in reconquered Africa.

The defeat of the Vandals took place during a campaign which lasted mere months. In the summer of 533, the Roman army landed near Caput Vada and overpowered Gelimer before the year was out.[173] The Emperor organised the administration in the recaptured territories and made sure to create a defence system. On 13 April 534, he issued a constitution establishing the Praetorian Prefecture of Africa with the seat in Carthage and designated armed troops for this territory.[174] The fortification of the province was initiated, but the process of rebuilding was disrupted by rebellions and fights against the Moors.[175] It should be emphasised that Justinian was quite familiar with the needs of African provinces and, as we can see, relatively quickly took steps to organise the state administration and create a system of permanent military defence. At the beginning of 535, in Novel XXXVI, the Emperor addressed the subject of recovering property by those Africans who had lost it during the reign of the Vandals.[176] In this context it is clear that regulating the matters concerning the broadly defined ecclesiastical sphere was delayed, which only partially can be explained by the multitude of problems that needed solving. The religious situation in Africa is usually seen through the prism of anti-Catholic persecutions perpetrated by the Vandals. Their support of Arianism was opposed by the local community and clergy, but during over one hundred years of occupation

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[173] The preparations and course of the campaign were described by Procopius, who also suggested the best moment for starting the war: Procop., *De bell.* III, 10, 1 ff.; arrival of troops: III 14, 15 ff. Rodolfi 2008: 233 ff.; Courtois 1955: 353 ff.; Rubin 1995: 20 ff.; Vössing 2010: 196 ff.

[174] The laws of 13 April 534 concerning the civil: *CIC* II: 1.27.1 (Regesten 1009) and military administration: *CIC* II: 1.27.2 (Regesten 1010); Kaiser 2007: 76 ff. Both these constitutions can be connected to Justinian because of their style: Honoré 1975: 117. The situation in Africa: Diehl 1896: 97 ff.; Tate 2004: 531 ff.; Rubin 1995: 33 ff.; Prostko-Prostyński 1998: 423 ff.

[175] A general description of the situation is given by Procopius. An overview: Strzelczyk 1992: 183 ff.; Vössing 2010: 199 ff.

[176] Regesten 1043; Honoré 1975: 117 fn. 193.

a specific situation had been created and solving this problem required radical actions, which was not conducive to pacifying the situation in the country.[177] The sphere of the local ecclesiastical organisation (characterised not only by a very extensive network of bishoprics, but also by a lack of structures higher than metropolises[178]) remains in the shadow of the Emperor's actions. Despite the dominant role of Carthage as an administrative and economic centre of Africa, and the great authority enjoyed by the Carthaginian Bishop, this capital failed to assume a supra-metropolitan authority.[179] What is more, the Church of Africa displayed exceptional resentment against Rome's interference in its matters. The bishops gathered at the synods in 418 and 426, who examined the case of Apiarius, decisively opposed the idea of appealing to the Pope as the last instance in ecclesiastical trails.[180]

In the context of the situation in which the papacy found itself, the defeat of the Vandals and recapture of Africa created the need to define the status of the Church of Africa within the structures of the Catholic Church. This was important because of a lack of legal regulations which would stem from the tradition of the supremacy of the Bishops of Carthage, because in the situation at the time the possibility of incorporating Africa into the sphere of influence of the Bishops of Rome was becoming increasingly more realistic.[181] The latter had long enjoyed high esteem on matters of faith there, and during the Vandal persecutions the cooperation became closer also due to the help provided to refugees.[182] Maintaining the legal and organisational status quo of the Church

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[177] An overview of the situation: Wilczyński 1994: 135 ff.; Markus 1979: 281 ff.; Gaudemet 1989: 398 ff.; Śrutwa 1998: 313 ff.

[178] The organisational structure of the Church of Africa theoretically corresponded to the organisation of the state administration in the 4th century on the provincial level, while after the recapture of Africa only three ecclesiastical provinces functioned: Proconsularis, Byzacena, and Numidia: Flusin 2004: 137; Dvornik 1958: 31; Audolent 1912: 847 ff.; Kaiser 2007: 86 ff. The data attesting the existence of a network of bishoprics and the known bishops look very impressive: Eck 1983: 280 ff.

[179] Jones (1964: 893–894) describes the primacy of the local bishop as 'ill-defined.' The synod of African bishops in 525 showed a serious conflict between Carthage and Byzacena: Markus 1979: 282–283; Kaiser 2007: 95 ff.

[180] The sources concerning the attitude of the Church of Carthage towards the papacy from the beginning of the ecclesiastical organisation were collected by Marschall 1971: 18 ff.; Hefele 1875: 120 ff., 697 ff., 758 ff.; Duchesne 1910: 243 ff.; Gaudemet 1989: 398–399.

[181] For how profound the changes caused by recapturing Africa were and how significantly this strengthened the position of the Bishops of Rome see Haacke 1953: 160; Caspar 1933: 211. The great benefits, including material ones, for the papacy were emphasised most pointedly by Frend 1952: 300.

[182] Jones (1964: 894) noted how Rome's position became gradually stronger by means of consultations, help, and maintaining contacts by passing on information about the most important matters. Flusin (2004: 137) seems not to appreciate how delicate this matter was.

of Africa not only strengthened the position of the Bishops of Rome and their political superiors, the Ostrogoths, but it additionally weakened the position of Byzantium in the region, creating a new plane of conflict with regard to the attitude towards the Arians.

Considering the overall situation of the Catholic Church at the time of issuing Novel XI, the most likely hypothesis is that the greatest challenge Justinian faced was to regulate the status of the Church of Africa. Thus said, the fact that the Emperor engaged himself in such a thorough restructuring of the organisational structure of the Church in Illyricum (which, let us add, was only partial in scope and did not solve the problem of jurisdiction), undertaken for personal reasons, seems to be, at first glance, a manifestation of a completely misguided policy. However, on the basis of findings of the analysis of Novel XI, which show how complicated this constitution was with regard to its content and legal significance, we must consider a different interpretation. It was precisely the need to find a solution to the organisational status of the African Church, so that it would not fall under the rule of the papacy, that could have made Justinian issue Novel XI. With a lack of a local leadership based on clear legal regulations, African bishops would have fallen, sooner rather than later, into the sphere of Rome's influence, which would have been facilitated by their lack of internal unity. If the Church of Africa was to remain independent, some form of the Emperor's interference in the functioning of the local ecclesiastical organisation seemed inevitable. The position of the Bishops of Carthage was not based on clear rules and it was also contested by the Primates of Byzacena.[183]

In the spring of 535, under the leadership of Reparatus, Bishop of Carthage, over two hundred African bishops had congregated in order to settle the most urgent matters and to demand that the Emperor should put those matters in order by way of introducing appropriate laws.[184] This event may have been a direct stimulus for issuing Novel XI because, it follows from analysing this constitution, Justinian was trying to introduce a change in the ecclesiastical

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Duchesne (1892: 540 ff.) correctly notes that at the time there was no reason to acknowledge the papacy's supremacy over the Church of Africa in legal terms. Rome's authority based on concern about matters of faith is visible a century earlier: Adamiak 2010: 10. The correspondence between the Bishops of Africa and Pope Agapetus clearly shows that the latter was trying to strengthen his position in order to take over as much supremacy over the independent Church of Africa as possible: Friedrich 1891: 875.

[183] Frend (1952: 300) believes the disagreement with Byzacena to be one of the most important problems of the Church of Africa. The synod of 525 is an example of this conflict: Markus 1979: 282–283; Kaiser 2007: 93 ff.

[184] Audolent (1912: 834) writes about the participation of 220 bishops from 3 provinces; also Modéran 1989: 702. According to Marschall (1971: 210 ff.) there were 217 of them. Kaiser 2007: 103 ff.

organisation on the basis of state law and canons, while announcing how significant the institution of prefecture was in Illyricum for the administration of the local Church. The idea behind elevating Justiniana Prima was probably to hastily create a basis for establishing the rank of Carthage as an independent archbishopric, using what the Emperor declared and ordered on the matter of the Church of his native town as an example and reference point.

Referring to the conducted analysis of Novel XI, we can conclude that despite the highly hypothetical nature of its findings, there is a chance of reconstructing the progress of work on this document. The information about the exceptional position of Justiniana Prima in the state administration, as the designated place of residence of the Praetorian Prefect of Illyricum (which is significant from the perspective of the admissibility of the Emperor's establishment of a bishopric of high rank in the light of canon XVII of Chalcedon), did not determine the city's foundation. What was important was the fact of placing this information in the constitution, in a context showing the high position of this centre in the state administration. As a result, the atypical structure of Novel XI, which consisted in dividing the *dispositio* and the epilogue, may be seen as an independent argument confirming the exceptional character of this law. This is additionally supported by the fact that the fragment on the establishment of the Bishopric of Aquis contains a different titulature of the executor of the Emperor's will. Also in this case, it is not only a question of the inclusion of this fragment in the novel, but of its placement and, additionally, the inconsistent use of the title of Archbishop Catellianus. Considering the general provisions concerning the procedure of preparing legal acts, and the participation of outstanding jurists that surrounded Justinian, we should quite probably reject the possibility that such formal lapses were accidental. In the preserved form, Novel XI resembles a compilation of several fragments of text which do form a whole but without final editing, which is all the more reason to support the hypothesis that it was not inadvertent, considering the significance of the legal decision contained in this constitution and the very probable personal interest and even active participation of the Emperor.

In view of the findings of the analysis of the message and content of Novel XI in its preserved form, it seems we should consider as very likely a different method of preparing this document with the personal participation of Justinian, who, it would seem, went far beyond issuing an order to prepare this law and completing routine formalities usually required from the ruler in the process of creating laws.[185] Justinian was very familiar with matters concerning

[185] Procopius of Caesarea accuses Justinian of personally participating in creating the law: Procop., *Anekdota* (14, 3); Honoré doubts this (1978: 26), which seems completely unjustified: Waldstein 1980: 235 ff.

ecclesiastical life; suffice it to say that he was an author of theological works.[186] He can be considered as fully aware of the significance of the changes which the provisions of Novel XI, establishing the Archbishopric of Justiniana Prima, could have caused in the ecclesiastical organisation.[187] Even if we assume that the Emperor was competent enough to 'dictate' new laws to officials himself, not only concerning ecclesiastical matters, it was the quaestor (usually a competent jurist[188]) who was responsible for the formal finishing touches and for preparing the constitution for the Emperor's signature. Novel XI is such a legally complex and considered construction that it seems impossible for the Emperor not to have consulted an expert when preparing the document. The participation of Tribonian in the creation of Novel XI seems obvious, as he was a very close collaborator of Justinian's. One of the difficult aspects of studies on Late Antiquity is establishing who personally prepared particular imperial constitutions. Undoubtedly the role of quaestors was considerable due to the function they held, but this does not determine the extent of their contribution to the final shape of individual laws. We cannot be certain whether at the moment of issuing Novel XI, i.e. 14 April 535, Tribonian[189] was actually the questor, because the second time he took up this function is attested on 16 April 535.[190] However, even if he was not holding the office of quaestor, he remained one of Justinian's closest collaborators.[191] On the basis of a purely philological analysis, it is difficult to decisively attribute the authorship of Novel XI to Tribonian – one of the Emperor's closest collaborators.[192] We

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[186] Justinian's theological works enable us to determine his interests and study his style: Honoré 1975: 109 ff. An overview of Justinian's works: Uthemann 1999: 6 ff.

[187] Compared to other rulers, Justinian was very competent and his positive evaluation is very much justified: Jones 1964: 229. A criticism of the Emperor in Honoré (1975: 109 ff.) is excessive, because it seems to take the skills and knowledge of professional jurists as a reference point. Dismissing and ridiculing Justinian's education does not seem right either, even if it is meant to counterbalance the exaggerated level of education attributed to him, which still occasionally appears: Croke 2007: 22.

[188] After observing the discussion about Justinian's times, it is possible to conclude that all known quaestors were competent; the only problem is attributing specific constitutions to them and overvaluing Tribonian: Honoré 1978: 223 ff.; Pugsley 1999: 171 ff.

[189] Enßlin 1937: 2419–2426; Trybonianus 1: *PLRE III*: 1335–1339; Honoré 1978: 40 ff.; Lanata 1984: 221 ff., 242 ff.; Liebs 2010: 136–143.

[190] Novel XVII was dated to 16 April 535: Honoré 1978: 118, or to 15 April: Regesten 1061.

[191] In Novel XXIII (*CIC* III: 187, 26), Tribonian is addressed as questor, but the dating of this law and the date when he was restored to this post may refer to 3 January 535 or 536: Honoré 1978: 57 (differently on p. 118); Regesten 1044.

[192] For the tendency to emphasise Tribonian's importance with regard to Justinian's legislative activities see Honoré 1978: 69 ff. In terms of research method, there is a basic problem with determining the characteristic features of Tribonian's style because we do not have a text which was certainly authored only by him: Waldstein 1980: 236; Pugsley 1999: 171–177.

should, after all, take into account that the subject was very close to Justinian for personal reasons and an analysis of the Emperor's writing style seems to confirm this.[193] Even though such assumptions are highly hypothetical, it seems that we can presume, due to the subject matter, that Novel XI was a collaboration of Justinian and Tribonian. The Emperor probably dictated the text and he may have been the author of the opening information about the desire to honour his fatherland, the descriptions of moving the seat of praetorian prefect to Justiniana Prima, the need to fight the heretics, the followers of Bonosus, and perhaps a fragment of the epilogue.[194] On the other hand, the entire text bears traces of the style attributed to Tribonian, which indicates that he was free to edit the final version of the Novel, even if the Emperor himself dictated entire fragments of the text.

The greater the likelihood of Tribonian's and Emperor Justinian's participation in the preparation of Novel XI, the more puzzling the construction of this law seems. Generally, it can be said that the work was done by competent men and if the ruler approved of the draft of the constitution, the text should not have been changed afterwards. It is difficult to imagine that the staff would have been insubordinate, so we should try to find an alternative explanation of the unusual form of Novel XI, especially with regard to the division of the *disposito* concerning the archbishop's rights and the epilogue. We should probably rule out a deliberate intention to compose the document in such a way so as to make it more difficult to read and comprehend, because these particular fragments did not require this. It seems much more likely that very hasty additions were made to an already provisionally prepared text. This can be supported by the fact that it was a very innovative law which required including all important issues concerning the archbishop's pastoral rights. Additionally, the creators probably did not anticipate issuing executive acts, as was usually the case with other constitutions.[195] It seems that in the first place, a draft of a document concerning the establishment of the Archbishopric of Justiniana Prima was created, which was then hastily supplemented with another element of the *dispositio* and the fragment about Aquis. The Emperor chose Catellianus to be

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Despite the appearance of publications concerning the language of the novels, things are unlikely to change: *Legum Iustiniani Imperatoris Vocabularium* 1977.

193 Justnian's style: Honoré 1975: 112 ff.; idem 1978: 24.

194 In the light of Honoré's findings, the fragment about the praetorian prefecture of Illyricum and the move of the prefect's seat to Justiniana Prima may exhibit features of Justinian's style due to characteristic repetitions and wordiness. It contains unique phrases concerning the significance of the institution of prefecture. Cf. *Legum Justiniani imperatoris Vocabularium* v. 7, 1977: 3134–3135.

195 The entire procedure, including the issuing of executive acts, is discussed by Feissel 1991: 437 ff.; Feissel 2004b: 285 ff.

the bishop and executor of his will, but the latter could even have been unaware as to what complete independence from the Church meant in practice. It was, perhaps, at that point that technical fragments concerning the rights of the archbishop were added. At the same time, the fragment devoted to Aquis was included, whose content was related to an issue close to the Emperor, i.e. to religion.[196] It should be noted that a constitution for the Pope was issued on the same day, and it was there, as the title of the addressee indicates, that the fragment about Aquis was supposed to be published.[197] It seems that combining these several fragments of text into one whole known as Novel XI without a final edit was probably the result of a great volume of work in the imperial chancellery on the one hand, and the hastiness and an individual method of preparation on the other hand, which meant that instead of preparing a completely new text an old one was rewritten with additions.[198] This explanation is hypothetical but likely, considering how instrumental was this law, which may have been prepared in complete secrecy.

In the light of the conducted analysis of the historical context, it is worth referring to those fragments of Novel XI which may have been the results of the Emperor's own work, especially to the description of the beginnings of the Praetorian Prefecture of Illyricum. Its establishment was presented as a one-off act and as such it provokes a comparison with the beginnings of the Prefecture of Africa, which was included in the constitution that established it:

> *Deo itaque auxiliante pro felicitate rei publicae nostrae per hanc divinam legem sancimus, ut omnis Africa, quam deus nobis praestitit, per ipsius misericordiam optimum suscipiat ordinem et propriam habeat praefecturam, ut sicut Oriens atque Illyricum, ita et Africa praetoriana maxima potestate specialiter a nostra clementia decoretur. Cuius sedem iubemus esse Carthaginem*[199]

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[196] Van der Wal (1964: 20) qualified the novel among the laws concerning heretics. This may have also stemmed from the fact that he did not discuss the issue of establishing bishoprics separately.

[197] On 14 April 535, the Emperor issued Novel IX about a hundred-year long limitation period for the Church of Rome: Lanata 1984: 155; Regesten 1057. For the regulations concerning this issue see Gaudemet 2001: 7.

[198] In total, Justinian published 600 constitutions over 39 years: Fögen 1994: 54. On the basis of the preserved collections of novels, we can observe the Emperor's increased legislative activity in the period of January to August 535, when 32 constitutions were announced, and another 115 were created by 546: Liebs 2000: 251. Taking all the sources into account, we can identify over 40 new laws in the period from January to August 535, not counting the ones with doubtful dating: Regesten, from no. 1041 to no. 1082 (pp. 259–270).

[199] *CIC* II: 1.27.1 (p. 77, 10–11).

In his legislative activity, Justinian treated tradition very seriously but he usually used it instrumentally for his own purposes. It seems that this was also the case with the presentation of the beginnings of the Praetorian Prefecture of Illyricum in Novel XI; therefore, this description should not be interpreted literally but in the context of the specific situation of the ecclesiastical organisation in the region. An episode from the history of this prefecture was probably used by Justinian to present his own vision of the role of bishops in cities where the praetorian prefect resided, which was to show a principle supposedly followed in Illyricum.[200] However, we must not forget the significance of the Praetorian Prefect of Illyricum residing in Thessalonica for the position of the local Church, which was readily discernible probably not long after Novel XI had been issued.[201] Hence, there is a possibility that an already existing story about the significance of the Prefecture of Illyricum for the ecclesiastical organisation in connection with specifying the rights of Dorotheus, the Bishop of Thessalonica, was used and maybe modified while preparing the said constitution. The work on compiling Justinian's *Code* may have provided an opportunity to become familiar with the story.

Considering only the matters related to the jurisdiction of the Bishops of Rome, it is transparent that at the moment of issuing Novel XI, its message clearly reflected the problems the Emperor was facing and the goals he wanted to achieve. By elevating the Church of Justiniana Prima, he weakened the influence of the papacy, and, consequently, its political superiors, the Ostrogoths, in Illyricum. At the same time, he declared the desire to honour the city named after him and announced a theory about the special significance of bishops residing in the cities where prefects resided, which could have been a good starting point for legally declaring the full independence of the Church of Carthage and, consequently, putting an end to the papacy's expansion. The sudden changes in the relations with the Ostrogoths caused by Amalasuntha's death and the beginning of war probably meant that establishing the independence of the Church of Carthage from Rome (on the level of imperial legislation) stopped to be a matter of urgency and (as the future showed) necessity. Justinian decided to abandon legal actions aimed at a one-off establishment of a new organisational structure of the Church of Africa and, as sources show, adopted a completely new tactic. To simplify somewhat, it consisted in officially announcing the permanence of the organisational structures established by tradition, while discretely but fully deliberately and

[200] Justinian creating non-existent facts from the past in order to argue current matters was noted in the religious sphere: Gray 1988: 284 ff.

[201] In connection with Saint David's mission; see Chapter VI.

consistently striving to strengthen the position of the Bishops of Carthage, which served to maintain a full jurisdictional independence of the Church of Africa from Rome.

Justinian's direct response to the needs of the African Church was Novel XXXVII, published on 1 August 535, entitled *De Africana Ecclesia*, addressed to Salomon, the Praetorian Prefect of Africa.[202] From the viewpoint of the prerogatives of the Bishops of Carthage, this novel is doubly disappointing, because not only does it not introduce any new rights that would elevate their position in entire Africa, but it merely contains a provision about the metropolitan privileges the local Church was entitled to, similarly to other churches, according to the provisions of Book I of the *Code*.[203] Even such a limited initiative on the part of Justinian with regard to ecclesiastical regulations, showing the prominent role of Carthage as a city honoured with the Emperor's name, probably brought some results, strengthening, after all, its position as the ecclesiastical centre of entire Africa. This was indirectly proven by the discontent of the Primate of Byzacena, Dacian, who in turn managed to obtain Justinian's confirmation of his own prerogatives.[204] Issuing a document with a very different message to the same addressee in the following year seems to indicate that Justinian had been deceived.[205] In the very difficult situation that the Empire faced in the early 540s, Dacian's initiative was either misunderstood by the Emperor, or the Metropolitan was guilty of manipulation. The latter seems much more likely, because apart from the angry tone of the second constitution, the phrase included in the first one: *Nec solum ecclesiasticis causis sed totius provinciae utilitatibus proferunt*, clearly shows the ruler's intention to support broadly understood local initiatives serving public, not

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[202] Regesten 1079. Earlier, on 1 January 535, the Emperor published Novel XXXVI, which regulated the rights of persons deprived of their possessions during the Vandals' rule: *CIC* III: 243–244; Regesten 1043.

[203] For a comprehensive discussion of the role of Carthage see Ferron, Lapeyre 1949: 1149–1233. Markus (1979: 281 ff.) demonstrated very well that despite using big words, from the legal point of view the Bishop of Carthage did not obtain any rights with regard to jurisdiction; also Modéran 1998: 704. We should, however, emphasise the use of the term *metropolitan* to describe the legal position of this bishop: *Coll. Avell.* 89; *CIC* III: 245, 21–23. Friedrich 1891: 875. Puliatti 1991: 129 ff. The title of patriarch had been used by Cyril, the Arian Bishop of Carthage, and this fact, combined with his aloof manner, discredited not only the use of this title but also the local bishops' aspirations to be promoted: Victor of Vita II, 18.

[204] 6 October 541: *CIC* III: 796–797. Regesten 1248. Honoré (1975: 120) sees a link between this constitution and Justinian. An overview: Markus 1979: 285; Kaiser 2007: 115 ff.

[205] 29 October 542: *CIC* III: 797; Regesten 1271; Kaiser 2007: 132 ff.; Honoré (1975: 120) links this law, this time decisively, with Justinian's personal participation. It seems that Puliatti's views on the genesis of this law are more probable than Markus'. Adamiak 2010: 15.

just ecclesiastical, purposes.[206] The actions of the Primate of Byzacena probably led to the inclusion of the provision about the rights of the Bishop of Carthage in Novel CXXXI, 4, since apparently the Emperor was to restore definitively the undermined significance of the Church of Carthage. Justinian showed its leading role in Africa, while continuing to use very general terms concerning its rights and constantly emphasising the respect for and recognition of the privileges of the remaining bishops.[207] It was only after Justinian's death that the Primate of Byzacena was able to appeal to the next Emperor to have his prerogatives confirmed.[208]

It seems that despite the hypothetical nature of the findings concerning both the genesis of Novel XI and the position of the Archbishopric of Justiniana Prima, Justinian's activities with regard to transformations in the ecclesiastical organisation are worth analysing against a broad background. A great deal of interest in the conflict of the Bishops of Carthage with the Primates of Byzacena, also from the viewpoint of diplomacy, will certainly contribute to further progress in the studies on Justinian's ecclesiastical policy, including the role of Justiniana Prima.

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[206] *CIC* III: 796, 29. The *concilium* of Byzacena as specified in this law was not only a gathering of the bishops of this province (Adamiak 2010: 13), but also a provincial assembly. A broader meaning of the document, going beyond the ecclesiastical sphere, was noted: Markus 1979: 284–285; Kaiser 2007: 117. This is clearly how Demandt 1989: 411 evaluates the significance of this law.

[207] *CIC* III: 656. The Greek text highlights the position of the Bishop of Carthage much more strongly. One piece of evidence of his increased importance may be the fact that he was referred to as Archbishop by Liberatus and Victor of Tunnuna: Markus 1979: 287–288; Adamiak 2010: 17.

[208] Dölger, Regesten no. 7; Markus 1979: 303–306; Feissel 2003: 97 ff.; Kaiser 2007: 156 ff.

Chapter VI: The history of Justiniana Prima after 535

The survival of Novel XI until our times is not the only proof that Emperor Justinian established a new ecclesiastical province in Illyricum whose legal status was based on state law. Independent sources confirm the fact that the Archbishopric of Justiniana Prima was created in 535, which means there is absolutely no reason to question the publication and execution of this imperial constitution. The introduction of changes in 545 does not in any way influence the effective force of Novel XI with regard to the promotion of the Church of Justiniana Prima as such. We do not know how fast and by what channel the information about the establishment of this archbishopric reached Rome. However, it remais an unquestioned fact that Agapetus, the Pope at the time, interpreted Justinian's decision as stripping him of his rights and decided to clarify the matter.

An extant mention in a letter of Pope Agapetus to the Emperor, dated to 10 October 535, is of crucial importance for the confirmation of the fact that the papacy had had jurisdiction over Illyricum and that Justinian effectively established a new province. The Pope directly addressed the establishment of the Archbishopric of Justiniana Prima, but the preserved fragment of this letter gives no reason to believe that Justinian's decision led to a protest or a crisis in the relations between the Pope and the Emperor.[1] Agapetus was probably too taken aback and surprised by the situation, which is why he only made a very diplomatic decision to send legates in order to investigate the matter.[2] He did not directly refuse the ruler the right to make this decision nor did he initiate any discussion about the subject matter. This seems to be the

[1] The Pope's letter concerning this matter is an important element of reflections on the effects of the establishment of the Archbishopric of Justiniana Prima, both legal and political. Recently it has been very decisively interpreted as a protest by Sotinel 2005: 278; Naxiadu 2006: 158. On the other hand, Markus (1979: 290) read the meaning of this letter much better.

[2] In the older literature, there are opinions, which have no basis whatsoever in the sources, concerning earlier attempts at an agreement between Justinian and the papacy, in the con-

most important aspect of the case. On the one hand, it was a situation without precedence for the Emperor to introduce such significant changes, conferring the rank of archbishopric to a new bishopric, especially by depriving another Church of a part of the province under its administration. On the other hand, an official copy of Novel XI was probably not available and after this law was read, a lot of ambiguity may have appeared as to the ruler's actual intentions. The legal basis of Justinian's actions, and the question whether this decision was in any way connected with the intention to enforce a law giving Illyricum to the Bishops of Constantinople, were not altogether clear either. It did not follow from the content of Novel XI that they would be granted any rights in the remaining part of the region, where only the role of Thessalonica was emphasised. Without checking directly at the court in Constantinople, no one could rule out whether the Emperor had issued another law, concerning the rest of Illyricum.

If we consider all possible interpretations of what the Emperor might have wanted to achieve by means of establishing the Archbishopric of Justiniana Prima, then Agapetus' reply appears to be appropriate from the political and legal point of view, in the context of the entire situation in which the Church of Rome found itself. The Pope did not agree to anything, did not prejudge, did not make any promises, but he asserted his rights and indicated the need to clear up this problem:

> *de quo simul negotio sed et de Iustiniana ciuitate gloriosi natalis uestri conscia nec non et de nostrae sedis uicibus iniungendis, quid seruato beati Petri, quem diligitis, principatu et uestrae pietatis adfectu plenius deliberari contigerit, per eos, quos ad uos dirigimus, legatos deo propitio celeriter intimamus*.[3]

For the entire discussion on the establishment of the Archbishopric of Justiniana Prima the significance of the fact that this letter has survived is

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text of establishing the Archbishopric of Justiniana Prima: Kulakovski 2003: 50. A summary of the works and research of this historian: Vasiliev 1952: 34.

[3] This is a fragment from Agapetus' letter to the Emperor of 10 October 535: *Coll. Avell.* 88, p. 338, 4–9. The Pope's restraint was correctly noted by Caspar (1933: 209), who saw this as a very clear change in comparison to the previous period, which was a sign of the papacy becoming subordinate to the Emperor. However, his assessment did not take the historical context into account. The papacy did not have a proper political base at the time, as it was under the influence of the Ostrogoths, and any comparisons with the earlier period, when it could use the support of the emperors in the West to defend its position, are inappropriate. Ensslin (1958: 460; Ensslin 1959: 122) mentions this letter by Agapetus and moves straight on to discuss the decision that appeared in Novel CXXXI, 3, without considering why Agapetus did not clear the matter up on the spot in Constantinople. Magi 1972: 118 ff.

difficult to overestimate. The political situation dramatically changed over the course of several months, whereas the legal situation was decisively more stable. Apart from the fact that the Pope confirmed the promotion of the Church of Justiniana Prima, we should note that Rome probably thoroughly examined the matter and was powerless. The sending of the legates proves that the matter should have been settled at the time when Agapetus, ordered by Theodahad, appeared in Constantinople in March 536, not nine long years later. The king of the Ostrogoths tried to save the peace with Justinian, whose army was scoring successes in Dalmatia and Sicily, so he sent the Pope on a peace mission.[4] The fact did not weaken Agapetus' position with regard to ecclesiastical matters, because at the time peace was favoured not only by the Ostrogothic king but also by the Roman Senate.[5] The Pope's visit to the imperial capital led to a breakthrough in ecclesiastical matters, and the role of the Bishop of Rome as the leader of the pro-Chalcedonian faction was decisive. The demotion of Patriarch Anthimos and the later events of the synod of 536 showed how deeply Agapetus influenced the situation despite his premature death. After a period of hesitation and doubt, Justinian finally took a clear stance against the Monophysites.[6] The decisions made during the synod in Constantinople in 536 and the Pope's role are appreciated, but in this context we should also clearly mention a lack of decision concerning Justiniana Prima.[7]

There are no traces of the steps taken by the Bishops of Constantinople with regard to the promotion of the bishopric in the Emperor's native city, which is not surprising considering the legal principles which governed the organisation of the Church of Illyricum. Nothing changed in this matter when the law of Theodosius II was included in the *Code* or when Bishop Stephen of Larissa in Thessaly was deposed. The decision to establish the Archbishopric of Justiniana Prima, expressed in the form known from Novel XI, did echo far and wide in Thessalonica and, interestingly, not because it restricted the jurisdiction or position of the local bishop, but because of the discussion on the place of residence of the Praetorian Prefect of Illyricum. For this city, being

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4 LP: 289; Liberatus: 21. Ensslin 1958: 461.

5 Cass., *Variae* XI 13; Sotinel 2005: 278.

6 For the role of Agapetus see Ensslin 1958: 459 ff.; Magi 1972: 122; Leppin 2006: 23 ff.; Leppin 2011: 185–188. A comprehensive overview of Justinian's religious policy at the time: Uthemann 1999: 24 ff.

7 Uthemann 1999: 43 ff.; Millar 2008: 62 ff.; Millar 2009: 92 ff. Leppin (2006: 17) only mentions generally that the Pope was in a conflict with the Emperor concerning organisational matters. Schwartz (1940: 27) spoke more clearly on the subject, pointing directly at the affairs of Illyricum and Africa.

the residence of the prefect meant prestige and was a source of considerable income for its inhabitants. The presence of such a high imperial official also ensured the feeling of greater safety; this, however, should not obscure the ecclesiastical context in which the events connected to Justinian's decision concerning the prefecture's seat were shown.

While historians discussing the consequences of the establishment of the Archbishopric of Justiniana Prima usually remember to consider the reaction of the papacy, they normally do not attach much weight to the situation in Thessalonica. Even if the existence of the *Vita Davidi* is mentioned, it is not usually used to verify the sources or to reconstruct the situation more comprehensively.[8] Meanwhile, the critical and literal analyses of Novel XI enable us to carry out a considerably more thorough analysis of this Life, usually quoted when discussing the problem of the change of the Prefect of Illyricum's seat under Justinian.[9] The most important event, around which all the activities of the saint and the inhabitants of Thessalonica (described towards the end of this work) are centred, is the Emperor's transfer of the seat of the Praetorian Prefect of Illyricum from Sirmium to their city. While noting the similarity between the accounts of both these sources, historians did not attempt to establish whether there is a direct connection between the changes introduced or announced by Justinian in the organisation of civil and ecclesiastical administration, which are discussed in Novel XI, and the problem of acquiring the imperial confirmation of the instalment of the prefect's seat in Thessalonica. As we have mentioned several times, establishing whether Sirmium belonged to the Empire under Justinian is a serious problem, which means that we can construct various hypotheses which then serve to construct further ones.

Vita Davidi is an anonymous work written, as the text informs us, 180 years after the saint's death, on the initiative of monks from the monastery in Thessalonica where he lived, in order to preserve the memory and the accomplishments of this outstanding man. The unnamed author did not include any chronological data in his work, writing very generally that during Justinian's reign, while Theodora was still alive, the saint travelled to Constantinople and received the Emperor's agreement to move the prefecture from Sirmium to Thessalonica. Having completed his mission, he passed away on his way to his native city. Using the data from Novel XI as a reference point, the

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[8] The importance of the *Life of Saint David* for studies on Justiniana Prima was remembered by Vasiliev 1946: 126; Lemerle 1981: 50 fn. 55; Popović 1975: 106 fn. 67a; Snively 2007: 35 ff.

[9] The Rose 1887 edition. Amendments and supplements: Vasiliev 1946: 119 ff. A further discussion: Loenertz 1953: 205–222; Jončev 1960: 180 ff.

death of Saint David of Thessalonica is usually very generally dated to ca. 540, and the recording of his Life to ca. 720.[10] It is likely that, with the heyday of the cult of Saint Demetrius, whose care was believed to have saved the city during the invasions of the Avars and the later Slavonic attacks, some monastic circles in Thessalonica may have felt concerned about the danger of Saint David's importance being forgotten, and consequently a successful attempt at writing a detailed Life was made, which recalled the accomplishments of the saint, setting them in a reality very close to all citizens of the city exposed to barbarian attacks.[11]

From Chapter 13 on, the main topic of the account is the key issue of the prefect's transfer. The aged David, surrounded by an aura of sainthood, suddenly found himself in the centre of events which captured the attention of literally entire Thessalonica, when an unnamed Prefect of Illyricum sent a tribune to inform the local bishop, Aristides, who had succeeded Dorotheus, about a threat posed by the barbarians. The prefect wanted for Emperor Justinian to be persuaded to move the prefecture's seat from Sirmium to Thessalonica.[12]

> καὶ στέλλει τριβούνους ὁ προλεχθεὶς ἔπαρχος πρὸς τὸν ἁγιώτατον ἀρχιεπίσκοπον ὅπως ἀναγάγῃ τῷ θειοτάτῳ βασιλεῖ Ἰουστινιανῷ τὰ περὶ τῶν ἀθέων βαρβάρων, ὅπως μεταστήσῃ τὴν ἐπαρχότητα ἐκ τοῦ Σιρμείου εἰς τὴν τῶν Θεσσαλονικέων πόλιν.[13]

According to the account, the prefect and the army were stationed in Sirmium, whereas only a vicar resided in Thessalonica. Aristides gathered the people and the clergy in order to decide what to do when faced with danger from the barbarians called the Avars, who had crossed the Danube and posed a threat to Sirmium. Considering how serious the situation was, the people decided to send either the Archbishop or Saint David to the Emperor. Aristides decided to stay in the city for the sake of his responsibilities. He therefore went to the saint's cell and asked him to travel to the Emperor, because the ruler would not refuse him anything. Saint David agreed and prophesied that they

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[10] The exact date of the death of Saint David is 535, as is suggested by the account included in Novel XI: Krumbacher 1897: 198; Konstantinou 1986: 606. A different dating of the saint's death to 538: Moravcsik 1983: 557. Kazhdan, Patterson-Ševčenko 1991: 590 date it to ca. 540.

[11] Odorico 2007: 64 ff.

[12] *Vita Davidi* Chapter 13. A summary of the content: Vasiliev 1946: 120 ff.; Odorico 2007: 70 ff.; Tóth 2010: 168. There is no doubt that this work refers to the message of Novel XI but not exactly from the angle of the description included in this source.

[13] *Vita Davidi* Chapter 13 (9, 11–14).

would not see him again, because he would die on his way back to Thessalonica. The saint, whose appearance resembled that of Abraham, travelled with two disciples to Constantinople, where he was very well received by Empress Theodora in Justinian's absence.[14] The ruler ordered the Senate to arrive to the official meeting and everybody gathered there witnessed a miracle by Saint David, who held a piece of live coal which did not hurt him. Justinian granted his request and wrote a document which he handed to the saint, asking him for a prayer.

> καὶ γεναμένων τῶν σάκρων μετὰ πολλῆς σπουδῆς καὶ ἐπιμελείας, δὶ ὀλίγων ἡμερῶν ἀπέλυσεν αὐτὸν μετὰ χαρᾶς πολλῆς, δοὺς αὐτῷ τὰς κελεύσεις αὐτοχείρως, καὶ λέγει πρὸς τὸν ὅσιον „εὔχου ὑπὲρ ἡμῶν πάτερ."[15]

As he had prophesied, the saint died on the ship taking him back to Thessalonica, but as a result of his intervention with the Emperor, the praetorian prefect was moved to this city.

> καὶ λοιπὸν ἡ ἐπαρχότης μετῆλθεν ἀπὸ τοῦ Σιρμείου ἐν ταύτῃ τῇ τῶν Θεσσαλονικέων πόλει.[16]

Interpreting the account recorded in *Vita Davidi* literally, we will note a surprising course of events, to say the least. The prefect should have immediately informed the Emperor about the very serious military situation and the barbarian threat, as well as suggested the necessary steps that needed to be taken. However, a very high-ranking official does not intervene with the Emperor but asks a bishop to do it. The behaviour of the latter, and the haste with which it was decided in Thessalonica that the Emperor needed to be addressed directly, are equally strange. Saint David's immediate journey, despite his prophecy, indicates the great significance attached in the city to the success of his mission. This tale becomes considerably more understandable if we take as reference points for its interpretation the provision recorded in Novel XI, the findings of an analysis of the principles governing the functioning of the ecclesiastical organisation in Illyricum in Late Antiquity, and the situation in Thessalonica itself. Then, the most likely hypothesis will be that the events described in *Vita Davidi* took place under the reign of

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[14] The great kindness which the Empress showed to the monks is confirmed by other sources and noted in the literature on the subject: Ashbrook Harvey 1990: 83 ff.; Leppin 2006: 5 ff.

[15] *Vita Davidi* Chapter 17 (12, 33–13, 2); Vasiliev 1946: 123 ff.; Odorico 2004: 72.

[16] *Vita Davidi* Chapter 20 (14, 3–4); Vasiliev 1946: 124 ff.; Odorico 2004: 74.

Justinian after the prefect received a copy of the novel from the Archbishop of Justiniana Prima and hastened to inform the Archbishop of Thessalonica about this new development. Having read the text, he must have been convinced that he could soon be ordered to transfer to the new city erected by the Emperor, if the ruler himself saw it fit. It is only seemingly difficult to establish who stood to lose more as a result of transferring the prefecture's seat: the archbishop or the prefect. The latter was only in danger of moving to a new centre, whereas the Church in Thessalonica would have lost more at the moment of moving the prefect's residence and the execution of what Novel XI said with regard to the significance of this official's seat for the structure of the ecclesiastical organisation in Illyricum. The same was true about the situation of the city, which would have been deprived not only of prestige but also of a source of great income; that is why the news of the transfer caused such great agitation among the inhabitants. We know that, on the basis of ecclesiastical law, Bishop Aristides did not have the right to administer the Church of Illyricum as a result of poor relations with the papacy and that he did not exercise this right in actuality, as follows from the case of Bishop Stephen of Larissa. The imperial law revealed in the *Code* of 534 gave these rights to the Archbishop of Constantinople, whereas it clearly follows from Novel XI that the Archbishop of Thessalonica also had them as a result of the prefect residing in the city, which is further confirmed by an analysis of the historical context in connection with Dorotheus' actions. This situation probably stemmed from the lack of a formal repeal of Anastasius' privilege for the Church of Thessalonica, as the Emperor did not revoke rights which had been granted in order not to cause conflicts or discontent, but granted new ones as the need arose, modifying the legal situation in this way. The establishment of the Archbishopric of Justiniana Prima as such complicated the already disadvantaged position of Aristides when it comes to imperial law in Illyricum, but it did not actually worsen his position in the ecclesiastical organisation. On the other hand, the prefect's transfer to Justiniana Prima, announced in Novel XI, caused genuine panic in Thessalonica. Therefore, considering the account in *Vita Davidi* concerning the significance of the prefect's residence in this city, the most likely hypothesis is that at a moment of this official's removal, the Church of Thessalonica would lose its independence. Anastasius' privilege for Bishop Dorotheus was probably worded in such a way that it combined supreme rights over the ecclesiastical organisation in Illyricum and the independence of the Church of Thessalonica. When it comes to giving prerogatives to the Church of Thessalonica, the Emperor probably justified it by pointing out the significance of the institution of prefecture and the fact that the prefect resided in the city.

In the light of the information recorded in *Vita Davidi*, the prefect's residence in the city was of fundamental importance to Aristides.[17] Looking closely at the text of Novel XI, we will be able to see that obtaining primacy over the Church of Illyricum by archbishops of Thessalonica was presented as accidental, because it resulted from the destruction of Sirmium during the war against the Huns and the prefect's escape. After reading the account of the history of the prefecture, the dignitaries residing in Thessalonica could probably have come to only one conclusion: that no emperor had confirmed the fact of moving the prefect's seat from Sirmium to Thessalonica. On the basis of reading the account included in Novel XI, the only way to strengthen the position of Thessalonica was to obtain the imperial confirmation of moving the prefect's seat from Sirmium, which would legitimise the status quo. Probably neither the prefect nor the archbishop thought about engaging in a discussion with the ruler in the name of finding an objective truth about the basis of Thessalonica's significance in the state and ecclesiastical administration. The great haste which accompanied the decision about the need to intervene with the Emperor and Saint David's immediate journey indicate that the events described in the Life took place soon after the prefect received news of the content of Novel XI, which allows us to assume that the Emperor sanctioned the prefect's residence in Thessalonica in a separate document already in the same year. The existence of such an imperial privilege in the legal situation at the time can be regarded as probable not only by virtue of an analysis of the situation but also by the appearance of technical terms used by the imperial chancellery to denote the ruler's will in *Vita Davidi*.[18] Justinian issuing a document for the Church of Thessalonica should not be surprising, because the independence of the Bishops of Thessalonica did not clash with the ruler's plans for Justiniana Prima, and their degradation to the role of

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[17] The fact that in 533 Emperor Justinian addressed an edict to the Archbishop of Thessalonica, named alongside the Bishops of Rome, Antioch, Alexandria, and Ephesus (*Chronicon Paschale* 630; Regesten 990) in itself does not prove the independence of the Church of Thessalonica in the sense of its Bishop's actual jurisdiction over Illyricum at the moment this law was issued, as was believed by Friedrich 1891: 795. In this case, listing Thessalonica and Ephesus in the company of patriarchal capitals may have been dictated by the fact that they had been very important bishoprics in the earlier period, i.e. during the so-called Akakian schism they were in opposition to the broadly defined Chalcedonian order and e.g. possessed imperial privileges. In 451 the Bishopric of Ephesus lost its independent position and its own province on the basis of ecclesiastical law – fn. 360. Discontent caused by this turn of events met with opposition directed towards the Church of Constantinople and attempts to restore the previous legal status of that bishopric: Evagrius III, 5–6. Janin 1963a: 557.

[18] The existence of this type of document is not taken into account in the literature on the subject, although no one questions the historicity of Saint David's visit to Constantinople. Vasiliev 1946: 135.

metropolitans in the ecclesiastical province of Macedonia I strengthened the position of the papacy in the region, which was not necessarily in agreement with the Emperor's policy. Aristides was evidently afraid of travelling to the capital and meeting Justinian, so he used his obligations as an excuse and relied on Saint David. The great hospitality extended to the saint in Constantinople and the fact that the document was issued allow us to assume that the Emperor felt no hostility towards Thessalonica as such. Due to the size and significance of the city, the position of the local bishops may have differed in legal terms from that of other metropolitans. A sign of their high position in the hierarchy was using the title of archbishop or even patriarch, which had prestigious significance and did not change after the *Code* was announced. The issuing of Novel XI worsened the situation of the Church of Thessalonica only temporarily, because the mission of Saint David was a success and Justinian issued a document which probably guaranteed that the local bishops would keep their independence. It is possible that in the process of modifying the status of Thessalonica in the ecclesiastical administration Justinian displayed a keen interest in the history of that Church and came across the legend of Saint Demetrius. According to the tradition about this patron saint of Thessalonica, the Emperor reportedly asked for the relics of this saint, which was recalled when Maurice made a similar request.[19] The success of Saint David's mission in Constantinople is an important but forgotten episode, which could perhaps help explain the turn in Justinian's policy which occurred in connection with Pope Agapetus' visit to the capital in 536.[20]

Vita Davidi does not mention Justiniana Prima, which should not be surprising, because at the time of writing this work it was an insignificant detail. For the anonymous author, the true challenge was to show the contributions of this saint to his native city, in the convention of the local tradition. Saint Demetrius was not the only one to support the citizens of Thessalonica; so did Saint David, who persuaded the Emperor to let the prefect and the army transfer to Thessalonica when the barbarians were threatening Sirmium. It is in the context of the achievements of Saint Demetrius, who defended Thessalonica against the Avars, that referring to the barbarians from Justinian's time by their name becomes understandable.

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[19] *Miracula Sancti Demetrii* I 5, 53. An overview: Prinzing 1986: 34 ff.

[20] The motif of Saint David's presence and the miracle he performed, as well as his imminent death, may be read as something of a foretoken of a breakthrough connected with Agapetus' visit and his role in Constantinople. This should be taken into consideration when searching for reasons why Justinian changed his position with regard to religious policy, especially since Zooras was not impressive as a miracle man. A discussion of Zooras' activities in the capital: Leppin 2006.

To sum up, we should emphasise that *Vita Davidi* is a very important source in the context of the discussion on all the circumstances surrounding the establishment of Justiniana Prima, not only because its account of the events reflects Thessalonica's viewpoint on the occurring changes, but also because it records detailed information which makes the unusual haste and discretion accompanying the preparation of Novel XI more believable. The situation in which the prefect informs the archbishop about the move of the prefecture's seat reflects his lack of understanding of the situation, which seems to confirm the absence of any consultations regarding the transfer of the prefect's seat with this official, who was very familiar with the functioning of this institution and, if he had not suggested such a change himself, he should at least have known of such a plan and expressed his opinion, since it was announced in an imperial constitution.

Justiniana Prima's loss of the status of an independent archbishopric came to pass through Novel CXXXI, 3 issued in March 545. This time, the Emperor did not elaborate on the Church of the city he called his native country, so in the light of what had been said in Novel XI as a justification for establishing an archbishopric there, it is difficult to understand his motives. It is worth adding that he was in a much better position than in 535 to fully sanction the independence of the archbishopric by obtaining the approval of the papacy for the introduced changes, because he was controlling Rome, whose bishop owed his position to him.[21] Therefore, even a rough analysis of the situation in which the independence of the Church of Justiniana Prima was restricted indicates that there must have been important reasons to persuade Justinian to make a concession, since the place was still very close to him. The delay of the announced transfer of the prefect's seat to Justiniana Prima was probably not key to the ruler's decision, since he had put it off for so many years and had long given up the idea of shaping the ecclesiastical organisation in Africa on the basis of state law. By far the most likely explanation of lowering the rank of the Archbishopric of Justiniana Prima seems to be that Justinian abandoned hope that it would be possible to transform it into a large city. The difficult situation of the state, which was dealing with wars on several fronts from 540 onwards, and the Emperor taking up new challenges in the ecclesiastical sphere made his relations with the papacy even more complicated. As for the development of the city of Justiniana Prima itself, considerable obstacles may have stemmed from its location in a poor area, far from communication routes, and from the insurmountable problem of supplying it with water. Apart from the ruler's will, there were no other factors, either economic, military, or other

[21] Vigilius did not have a good opinion: Liberatus 22; Capizzi 1994: 68 ff.; Leppin 2006: 23.

ones, that were conducive to the growth of the new city. After the setbacks of the early 540s, Justinian's financial means were no longer unlimited to artificially shape Justiniana Prima into a new administrative centre of Illyricum. The experiences of the functioning of important administration agencies in peripheral Odessos, which customers found difficult to reach, surely also left their mark. A similar situation may have occurred while moving the prefect to Justiniana Prima, which was located out of the way and far inland. It seems that there is a need to conduct further studies on the circumstances in which the Emperor decided to make concessions concerning the status of Justiniana Prima also from the viewpoint of Byzantium's situation in the ongoing conflict with the Ostrogoths. We should also remember that in 545 Justinian not only took away the archbishopric's independence, but also mentioned the rights of the Bishop of Rome in the territory of Illyricum in a state law, which is a key change in comparison to the previous period.

Despite losing its independence, the Archbishopric of Justiniana Prima is attested in sources after 545 and plays a key role in the functioning of the new order in the regional ecclesiastical organisation. Theological disputes caused by Emperor Justinian in connection with the condemnation of the so-called Three Chapters led to a serious conflict in the Church, which the Emperor consistently and ruthlessly overcame by legal means.[22] Victor of Tunnuna, a chronicler writing in the mid-560s in Constantinople,[23] mentioned a synod of the Bishops of Illyricum concerning this matter. In the dispute about the Three Chapters they took a position opposed to the Emperor's will and they condemned their superior, who was an obedient executor of the ruler's will:

> *Illyriciana synodus in defensione trium capitulorum Iustiniano Aug. scribit et Benenatum Primae Iustinianae civitatis episcopum obtrectatorem eorundem trium capitulorum condemnat*.[24]

This event confirmed the existence and functioning of this archbishopric in the context of its leadership role in entire Illyricum; there is also

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[22] This is the common name for the dispute provoked by Justinian in connection with the condemnation of the writings of three theologians: Theodore of Mopsuestia, Ibas of Edessa, and Theodoret of Cyrus. Justinian published laws condemning their propositions perhaps already in late 543: Regesten 1288, 1301, 1343. A comprehensive summary of Justinian's attitude to this problem: Uthemann 1999: 65 ff.; Leppin 2011: 293 ff.

[23] Victor 5: *PLRE IIIb*: 1373; Janiszewski 1999: 206–207.

[24] Victor of Tunnuna 202, 6–8, ad 549. The second mention concerns the death of Empress Theodora, who died in 548: Theodora 1: *PLRE IIIb*: 1241.

a surviving mention about Benenatus, the second bishop of Justiniana Prima known by name.[25]

On the basis of the surviving sources, we do not know whether there was a reorganisation of the ecclesiastical administration in the western Balkans after the victory over the Ostrogoths and incorporating Italy into the Empire. There is everything to indicate that the Church of Justiniana Prima functioned continuously on the legal basis specified in Novel CXXXI, 3 of 545. The archbishopric survived its founder and continued to exist until the early 7th century, which is very well-attested during the pontificate of Pope Gregory the Great; therefore there is no reason to doubt its quite considerable significance within the patriarchate of Rome.[26] The last written mention confirming the functioning of the Church of Justiniana Prima dates to 602 and it appears in a letter from Gregory the Great to the local Archbishop John concerning the Bishop of Scodra.[27] During the first years of Heraclius' reign, the Balkan provinces of the Empire became the target of great invasions by the Avars and Slavs and this is when Justiniana Prima was probably destroyed or abandoned. More precise data about this centre are not easy to obtain, due to a lack of direct information from the sources; however, a more detailed discussion on the situation in the region will enable us to make a better assessment of its role. This will be possible only when progress has been made in the studies on understanding Procopius' account and when it is possible to establish the goals behind Justinian's building activity in the territories on the Danube. On the other hand, an analysis of Novels XI and CXXXI is a starting point for further studies on the history of the Church of Justiniana Prima. Later mentions confirming its existence must be placed in context; it is also necessary to establish Justinian's attitude to this centre towards the end of his reign before the topic of its functioning in the later period, without the support of its founder, can be examined.

Conclusion

Justiniana Prima is the name of a city built by Emperor Justinian I (527–565) to honour the place of his birth, whose momentous significance was decided

[25] A list of bishops: Le Quien 1740: 281 ff.

[26] Certainly *Ep.* III 6; III 7; V 8; V 10; V 16; VIII 10; IX 156; XI 29; XII 10; XII 11. In letters VIII 10 and IX 156, the Archbishop is listed among the other bishops. Wolińska 1998: 99 fn. 103; Snively 2001: 643. The letters of Pope Gregory the Great concerning Justiniana Prima require a separate discussion since it is necessary to take the historical context into account.

[27] *Ep.* XII 10. The letter of March 602: Wolińska 1998: 99 ff.; Snively 2001: 642 ff.

when its Church was granted the rank of an independent archbishopric with its own province. Although a relatively large amount of written sources, confirming the existence of this city from 535 to the early 7th century, have survived, almost nothing is known about the city itself. This is equally true of the origins of Justiniana Prima, which are difficult to reconstruct, its functioning as a city, and its mysterious end. It is accepted in the literature on the subject that, when Byzantium lost its reign over a considerable part of the Balkans as a result of invasions and wars against the Avars and the Slavs during the rule of Heraclius (610–641), the city was probably abandoned and destroyed. Until the present day, it has been impossible to establish the undisputable location of the city, which is why everything that is known for certain comes from the written sources, the most significant of which are Emperor Justinian's Novels XI and CXXXI and Procopius of Caesarea's *De aedificiis*, in the part devoted to Emperor Justinian's native country.

The starting point for reconstructing the unknown aspects of Justinian's religious policy, which consisted in introducing changes in the ecclesiastical organisation by promoting cities where prefects resided, is an interpretation of Novel XI. The novel's very existence in the legal reality of the time clearly revealed the Emperor's goal of introducing changes in the ecclesiastical organisation on the highest level, concerning the jurisdiction of patriarchs; the establishment of the Archbishopric of Justiniana Prima is a trace of those changes. The uniqueness of Novel XI consists in:

1. the unprecedented scale of changes in the ecclesiastical organisation introduced by this constitution,
2. the achievement of Justinian's goal by means of state law,
3. the use of such a sophisticated legal text by the Emperor.

The last issue is important but so far it has been completely overlooked. It is worth using the surviving summaries of Novel XI as a background in order to show how jurists at the time understood the essence of the change in the ecclesiastical organisation which this constitution introduced. In the collection *Epitome Juliani*:

> *Ut civitates circa Viminacium constitutae suum proprium archiepiscopum habeant.*
> *1. Haec constitutio iubet civitates, quae sunt circa Viminacium, quas ditione sua noster imperator subiugavit, potestati esse subiectas archiepiscopi sui proprii, et non esse in potestate Thessalonicensis episcopi. DAT. VI. Kal. Mai. Cons. Belisario. (535).*[28]

[28] *Epitome Juliani* 1996: 41, 45: CONSTITUTIO IX.

In *Epitome Athanasi*:

1.8

Ὥστε τὰς περὶ τὸ UIMINACION γενομένας ὑπὸ ῥωμαίους πόλεις ὑπὸ ἰδικὸν ἀρχιεπίσκοπον εἶναι, μὴ μὴν ὑπὸ τὸν Θεσσαλονίκης.
Ὁ αὐτὸς Βασιλεὺς Καστελλίωνι ἐπισκόπῳ Ἰουστινιανῆς Πρώτης
MULTIS ET UARIIS MODIS

Τῶν περὶ τὸ UIMINACION πόλεων οἱ ἐπίσκοποι πάντες ὑπὸ τὸν ἀρχιεπίσκοπον ἔστωσαν Πρώτης Ἰουστινιανῆς, ἐπειδὴ καὶ ἡ ἐπαρχότης περὶ Παννονίαν ἐκεῖσαι μετέστη.
Ἐγράφη μηνὶ Μαΐῳ ὑπατείας Βελισαρίου·[29]

The lack of consultations and agreements with the bishops whom it concerned, and the use of state law (as an analysis of Novel XI shows, the law was probably prepared in a way that differed from usual procedures) leads us to search for serious motives compelling the ruler to take such a step and to doubt even more that his only intention was to honour his birthplace. A critical and literal analysis of Novel XI enables us to see the way in which Justinian probably tried to manufacture a legal justification for establishing the Archbishopric of Justiniana Prima. With regard to the main subject of this constitution, which is the promotion of the Church of Justiniana Prima, we can conclude that the fragment about the Prefecture of Illyricum included in this source does not contain the actual justification, but has an auxiliary role. This is fully confirmed by an analysis of Novel XI as an imperial document, since it constitutes its descriptive rather than normative part. Therefore using information given in the fragment about the prefecture requires a considerably more thorough analysis of the historical context and establishing why the Emperor created an account about the extraordinary significance in the ecclesiastical organisation of the bishops of the cities where the praetorian prefect resided.

Due to the unprecedented scale and method of the promotion of the Church of Justiniana Prima to the rank of an independent archbishopric with its own province, the official declaration of Emperor Justinian included in Novel XI about purely personal motives for this step should not be accepted in advance as sufficient and credible. Likewise, we cannot be content with the thesis that the changes were merely local and aimed at putting the situation in Illyricum in order. It seems that the biggest challenge facing Justinian at the time when he published Novel XI was defining the organisational status of the

[29] *Epitome Athanasi* – Simon, Troianos 1989: 58.

Church in recaptured Africa. The Emperor probably did not want to allow for the papacy, politically subordinate to the kings of the Ostrogoths, to include Africa under its jurisdiction and he sought to create an account about the special significance of the institution of prefecture and to grant Carthage, where the Prefect of Africa resided, the status of an independent archbishopric. Although hypothetical, this theory is the only explanation why the Emperor made an attempt to transform the ecclesiastical organisation, legally justified by the pretext of transferring the seat of the Praetorian Prefect of Illyricum to Justiniana Prima.

In Novel CXXXI, Justinian put the Bishopric of Justiniana Prima under Rome's primacy, while maintaining its organisational independence. The fact that the Church's rank was lowered in 545 meant that historical studies have paid almost no attention to the importance of the changes introduced by Novel XI and have completely erroneously perceived the period of 535–545 as a time of confusion or provisional state, which ended with a successful intervention of the Pope, who defended his jurisdiction in Illyricum. An analysis of Novel CXXXI enables us to define the principles of functioning of not only the Archbishopric of Justiniana Prima after 545, but also the entire ecclesiastical organisation in Illyricum.

The account about the origin of Emperor Justinian and the building works he carried out in his native country in Book IV of Procopius of Caesarea's *De aedificiis*, and especially the part about the foundation of Justiniana Prima, is a literary description of the ruler's building achievements and a fragment of an extensive work on the subject. In this case, we are dealing with Procopius' personal vision and there is nothing to indicate that Justinian's influence played any role in the creation of this description, or that it had a visible connection with this ruler's policy. The use of the account of Justiniana Prima creates a unique opportunity to form an opinion about the credibility of this historian's other accounts, for which there are no other sources to make verification possible. It seems that, on the basis of the conducted analysis, we can make a preliminary assumption that Procopius had a limited access to data, which he then used as a material for constructing and telling his own tale.

An analysis of the sources devoted to the ecclesiastical organisation in Illyricum in Late Antiquity enables us to characterise the principles of its functioning on the basis of the law in force at the time. It consisted in the supreme authority in the region belonging to the Bishops of Rome, who in the late 4th century entrusted the Bishops of Thessalonica with the right to administer on their behalf, and in the simultaneous existence of provisions of state law which subordinated Illyricum to the Bishops of Constantinople. This does not testify to the existence of a permanent conflict between the Churches of Rome

and Constantinople concerning the jurisdiction over this territory, because such principles of jurisdiction were decided by political reasons connected with the Eastern rulers' fear of losing their reign over Illyricum. It was only in the last years of Emperor Anastasius' reign that the Bishop of Thessalonica, Dorotheus, probably attempted to become independent of Rome. Supported by a ruler who was in conflict with the papacy, he would lay the foundations for the independence of the Church of Thessalonica on the basis of imperial laws, which would leave a visible trace in the form of provisions concerning the authority of the Archbishops of Thessalonica in Illyricum in Novel XI. In appreciation of Saint David, Justinian issued a privilege which probably allowed the Bishops of Thessalonica to keep their independence.

Even though the results of the conducted studies are hypothetical, we can use them as a basis for organising and deepening the findings so far, regarding both Justiniana Prima itself and the ecclesiastical organisation of Illyricum in Late Antiquity. Despite our meagre sources, there are grounds for a reasonably complete reconstruction of the history of Justiniana Prima as a city erected by Justinian in order to honour his place of birth. The Emperor, probably following in the footsteps of other rulers before him, decided to build a city in his native country, but the implementation of this idea proved to be difficult due to the peripheral location and a lack of good water in the area. Justinian was surely aware of the conditions in his native country and the fact that he delayed the lowering of the rank of Justiniana Prima's bishopric for so long may indicate that he was waiting for ample sources of water to be found in the vicinity, which would have enabled him to carry out extensive building works and ensured good living conditions for the city's population. Only as a large city could Justiniana Prima have played an important role in the system of the state administration, which in turn would have justified its ecclesiastical rank. In this situation, a possible lowering of the Church's status would have occurred only after the death of the Emperor, who was financially supporting the city. However, already in 545, when Justinian was the ruler of Rome and had a considerably larger influence on the Pope than in 535, he agreed to lower the status of the archbishopric. In this context it is clear how important it is, when studying the history of Justiniana Prima, to note the amalgam of various interdependencies on the level of the Emperor's religious policy and his relations with the papacy. There was no need to use loopholes or build a great city in order to maintain the status of Justiniana Prima as an independent bishopric, because the consent of the Pope (as a bishop with the supreme jurisdiction over this territory) would have been sufficient. Perhaps Justinian made concessions on matters which were personally important to him in order to gain support for the implementation of some other plans.

In the case of Justiniana Prima, we can try to understand and explain the phenomenon of this city only from a very broad perspective, covering Justinian's entire reign, taking into account all spheres of state activity close to him, and the successes which ensured his prominent position in history; still, an analysis of the written sources in a historical context must remain the starting point for final findings. The main point is not to be guided by generalisations and, for instance, not to include Justiniana Prima automatically in reflections on Illyricum's system of defence and administration in the light of Procopius' account in Book IV of *De aedificiis*. The historical significance of Justiniana Prima was decided by the fact that its bishopric was granted a high rank in the ecclesiastical organisation in 535, not by the strategic importance of a new city. Granting those prerogatives was probably not an end in itself and was not what the Emperor had in mind when he founded the city. On the other hand, considering the poverty of the lands from which Emperors Justin and Justinian hailed, the imperial privileges may have had completely different purposes than it would seem. It is very likely that they did not serve to promote the city but to encourage people to settle there, offering them tax reductions and other incentives, ensuring its growth and, consequently, creating an opportunity to implement the planned functions.

Regardless of what course further archaeological examinations of the location of Justiniana Prima will take, there is a need to constantly deepen the analysis of the most important written sources devoted to this centre. Among them, a special place is occupied by Novel XI, which provides a basis for reconstructing unknown aspects of Justinian's religious policy, consisting in introducing changes in the ecclesiastical organisation through promoting cities in which praetorian prefects resided. On the basis of information recorded in this imperial constitution, we can verify the credibility of the most important sources on the history of historical geography of Byzantium in the first half of the 6th century, i.e. the works of Procopius of Caesarea and the book by Hierocles.

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